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*Testimony before the Senate Committee on Universities, Technical Colleges, Children and Families
State Senator André Jacque
December 4, 2019*

Chairman Kooyenga and Committee Members,

Thank you for holding this hearing on Senate Bill 521, relating to providing access by an adult adoptee to report of adoption. I am happy to join Rep. Tittl in bringing forward this legislation.

Senate Bill 521 allows adopted children who have attained the age of 21 the right to obtain a copy of the Report of Adoption. That report enables them to learn the names of their birth parents.

Under current law they are able to get that information only if both birth parents have filed forms with the state granting permission. If one of the birth parents has died without granting permission, adopted children will never be able to learn the names.

The stigma associated with adoption has changed dramatically over the last fifty years, and a number of states have changed their laws and now allow adult adoptees to learn the names of their birth parents. It's time for Wisconsin to change as well.

After Rhode Island and New Hampshire changed their adoption laws, subsequent records showed that 95% of birth parents who had placed their children up for adoption later hoped their children would contact them.

Barring access to one's personal information raises significant civil rights concerns, and the US Supreme Court has ruled an adoptee's right to know overrides the right of a birth parent to remain anonymous.

Thank you for your consideration of Assembly Bill 521.

Re: Supporting equal rights for Wisconsin Adoptees

Dear Members of the Committee on Universities, Technical Colleges, Children and Families,

Thank you for your attention to this letter explaining how state laws might affect your adopted constituents.

I love my adoptive family very much and they love me.

I was hurt by closed records laws. In a closed adoption with my records sealed from me by the state, I believed that I was "less than" and did not deserve knowledge of myself, even to know who my biological parents were. They were a secret and my original identity, family history, and genetic ancestry were all hidden. I understood enough to know that secrets that are illegal to know and talk about must be really bad, so I must be really bad. I internalized these messages as I was growing up. Healthy self-esteem or a feeling of self worth is a tall order when one identifies as a shameful secret.

In my late forties, after obtaining my state records, I began to question the truth of those beliefs.

Truth is a positive way to implement adoption laws and practices. The secrecy and shame of decades past are out of date and damaging to individuals like me. Adopted adults deserve the right to full access to all their adoption records and original birth certificate without restrictions. I hope laws will be changed to support adoptees' rights to access their own records, just like people who enjoy non-adopted status have.

Sincerely,

Erika Ostern



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Governor Tony Evers
Secretary Emilie Amundson

Secretary's Office

TO: Chair Kooyenga and Members of the Senate Committee on Universities,
Technical Colleges, Children and Families

FROM: Jeff Pertl, Deputy Secretary
Nadya Perez-Reyes, Legislative Advisor
Danielle Karnopp, Chief, Adoptions and Interstate Services Section

DATE: December 4, 2019

SUBJECT: 2019 Senate Bills 232, 521, 531, 532, 533, 534, and 548

Thank you for the opportunity to provide testimony on Senate Bills 232, 521, 531, 532, 533, 534, and 548.

The Department of Children and Families (DCF) recognizes and expresses appreciation for the dedication of legislators to issue affecting Wisconsin children and families.

These bills, all related to adoption, touch one of the most fundamental rights we have – the right to parent. These bills address complex legal and programmatic issues with profound consequences to a range of children, families, and stakeholders. DCF was pleased to participate in the Speaker's Task Force on Adoption and is pleased to continue engaging with the Committee, legislators, and stakeholders about these bills or other modifications for the purpose of collaboratively developing bills that support the children, families and communities in our state to thrive.

The Department of Children and Families is committed to the goal that **all** Wisconsin children and youth are safe and loved members of thriving families and communities.

To support this goal, the Wisconsin child welfare system is guided by the following key principles. These principles are also embodied in the new federal child welfare law, the Family First Prevention Services Act, which Wisconsin must implement by October 2021:

- **Prevention:** Child welfare increasingly focuses on prevention efforts and keeping children in their homes when possible.

- **Reunification**: The primary goal is to reunify a child with his/her birth family whenever it is safe to do so.
- **Permanence**: The child welfare system aims to transition children in out-of-home care (OHC) safely and quickly back with their family, whenever possible, or to another permanent home.
- **Relatives**: As familiar, caring adults relatives play an important part in children's lives as caregivers or ongoing supports and should be used as out-of-home placements whenever possible.

It is through the lens of these principles that the Department reviewed the seven bills before the Committee today.

Child Welfare System and Placement

Most adoptions are public adoptions and are affected by the processes, policies, and requirements of the child welfare system.

- The child welfare system seeks to maintain a child safely at home, whenever possible.
- When a child cannot remain safely at home, the child welfare system seeks to place a child temporarily in a safe, stable, and supportive out-of-home care setting subject to the review and approval of the court.
- When an out-of-home care setting is needed, the child welfare system seeks to place a child with a relative, rather than a foster parent, to maintain the child's connection to his/her family and culture and minimize the trauma experienced by the child by being removed from the home.
- The child welfare system seeks to achieve a permanent home for children in out-of-home care as expeditiously as possible through reunification with the child's birth parents, whenever possible; or a guardianship with a relative or other eligible adult or through adoption when reunification is not possible.
- To achieve permanency through adoption, the birth parent rights must be terminated through a court process following steps established in statute.

Types of Adoptions

The seven bills under consideration today relate to adoption. As context for these bills, following is some basic background information on adoption in Wisconsin. In 2018, there were 941 adoptions finalized in Wisconsin, broadly defined in three ways:

- (1) **public adoptions**, which involves adoption from the child welfare system and made up 79% (748) of 2018 adoptions;
- (2) **private adoptions**, which involves a non-child welfare child and are handled by a private child placing agency and made up 16% (146) of 2018 adoptions; and
- (3) **international adoptions**, which are also handled by a private child placing agency and can be finalized either in the United States or the foreign country and made up 5% (47) of 2018 adoptions.

DCF Engagement and Outreach

In summer and fall 2019, the Department of Children and Families testified at three hearings before the Speaker's Task Force on Adoption, providing information about adoptions in Wisconsin, the child welfare system and experiences of case workers in Milwaukee County, and legislative proposals to support Wisconsin's children, youth, and families.

On October 29, DCF testified before the Assembly Committee on Family Law on the bill companions to SB 531, 532, 533, 535, and 548, which were bills introduced from the Speaker's Task Force on Adoption. The Department testified in opposition to SB 531, SB532, SB535, and SB548 and in support of SB 533. On November 13, before the Assembly Committee on Children and Families, DCF testified in opposition to the bill companion to SB 232.

Since those hearings, the Department has undertaken further analysis of the bills and engaged in wider-ranging discussions with legislators and stakeholders to explore ways to modify the proposed bills to address stakeholder concerns and achieve their intended purposes in ways that align with the guiding principles of our child welfare system.

For most of these bills, additional time and work is needed to fully address the myriad of issues raised. These bills address complex legal and programmatic issues with profound consequences to a range of children, families, and stakeholders. Fundamental issues impacted by these bills include confidentiality and privacy protections, right to counsel, racial and socioeconomic disparities, due process rights, and tribal rights, identity, and community. Due to

the complexity and range of issues and stakeholders involved, many of the strategies and modifications explored so far still present unintended consequences and/or create additional undesirable ramifications.

The purpose of our testimony today is to bring to the attention of legislators the implications of the bills as drafted and of possible modifications to the bills. The Department is pleased to engage with the Committee and others in further discussions on possible modifications to achieve the goal of developing statutory changes that balance the interests of all stakeholders and avoid unintended adverse consequences and strengthen the lives and outcomes for Wisconsin's children, family, and communities.

Today, the Department of Children and Families (DCF) is testifying:

- 1. In support of SB 533;**
- 2. In opposition to SB 532 and 548; and**
- 3. DCF is already on record in opposition to SB 232, 521, 531, and 534 as drafted, but will testify for information to share the ongoing discussions with legislators and stakeholders on these bills.**

IN SUPPORT

SB 533

The Department supports SB 533, which expands eligibility for Adoption Assistance. Adoption Assistance is an important tool that helps adoptive parents access the services and supports to meet their child's needs by providing Medicaid eligibility to the adoptive child and monthly payments to the adoptive parents. Wisconsin's current eligibility for Adoption Assistance is more restrictive than many other states. Funding, as outlined in the fiscal estimate submitted, is needed to support the expansion of Adoption Assistance eligibility as directed in the bill.

FOR INFORMATION (Oppose as drafted)

SB 232

The Department is testifying for information on SB 232, which has several components.

Termination of Parental Rights (TPR) Jury Trial: SB 232 eliminates the right to a TPR jury trial. The right to parent is one of the most treasured and fundamental rights. It is the Department's view that birth parents should have all possible legal protections before the decision to terminate

parental rights is made. *We support the parts of Assembly Substitute Amendment 1 that delete the provision in SB 232 that eliminates a TPR jury trial.*

Out-of-Court Affidavit for Voluntary TPR: SB 232 allows a parent to submit an affidavit of a disclaimer to their parental rights without appearing in court to terminate their parental rights.

The Department supports the concept of establishing an avenue to voluntarily terminate parental rights that avoids imposing on a parent the possible trauma of appearing in court; however, the proposed process would need to be amended to:

- Provide appropriate time for birth parents to fully consider the consequences of terminating their parental rights;
- Minimize the opportunity for (intentional and unintentional) coercion, fraud or duress, as well as identifying parties who may serve as witnesses; and
- Modify the provision allowing the invalidation of an affidavit within 6 months (if exceptions do not apply) to remedy potential timeline conflicts between the affidavit window and adoption finalization.

The Department is happy to engage further with legislators and stakeholders on how to appropriately align the timelines.

Combining fact-finding and dispositional hearing in a TPR Case: SB 232 allows the fact-finding and dispositional hearings in a TPR case to be combined. The Department explored this provision with legislators and stakeholders. *However, even with potential medications, stakeholders continued concerns about due process, state and federal Indian Child Welfare Act (ICWA) and technical issues on statutory considerations for factfinders in TPR cases.*

It is important to note that these provisions, if enacted into law, will expand the ramifications of any legislative proposal that allows the initiation of a TPR as part of a CHIPS case, because many birth parents are not represented by legal counsel in CHIPS cases. This issue would likely need to be address in the state budget process to extend representation to all birth parents and provide the necessary funding for public defenders.

Payments to Out-of-State Child Placing Agencies: SB 232 clarifies that it is permissible to make payments to an out-of-state private child placing agency for private adoptions. Substitute Amendment 1 to AB 263 requires that the child placing agency be licensed in the state in which it operates. *While the Department supports the concept of simplifying the private adoption process by permitting the use of out-of-state payments. There are concerns related to ICWA compliance around the identification of Indian children, notice to tribes and placement preferences with out-of-state child placing agencies involving adoptions of Indian children.*

Abandonment Grounds: SB 232 revises abandonment grounds for TPR to include failure without reasonable cause to provide care and support for a mother during pregnancy or failure without reasonable cause to pay child support. Current law already allows a court to consider whether a parent has “neglected or refused to provide care or support for a child” or whether a person who is or may be the father of the child has expressed an interest or concern for the care and support of the mother during pregnancy as a basis to terminate parental rights for failure to assume parental responsibility.

The proposed changes in SB232 impact the rights of fathers by making the failure to provide care and support for a mother during pregnancy or failure to pay child support, without reasonable cause, a ground for termination of parental rights on its own. This provision likely will have a disproportionate effect on parents living in poverty, tribal families and families of color. For example, some families may provide in-kind/non-monetary support to a child or family such as diapers and tribal families may provide wood or hunt wild game.

Additionally, key provisions are not defined, nor is the Department granted rule-making authority. What constitutes “reasonable cause” for failure to pay child support or whether failure to make a single child support payment is grounds for TPR need to be addressed.

Finally, the Department anticipates appeals related to the provisions in this ground, which will result in delays in permanency for children. *For these reasons, the Department proposes the Committee consider deleting these provisions from the bill.*

Notice to Fathers: SB 232 lessens notice requirements to potential fathers in termination of parental rights proceeding, which will limit the rights of fathers to their children, especially to fathers of children over one year of age. Under current law alleged and presumed fathers and fathers who have filed a declaration of paternal interest are entitled to notice of TPR

proceedings. The bill specifies that except in certain circumstances, the failure to submit a declaration of paternal interest deems the father to have irrevocably consented to the termination of parental rights, even if he was unaware at the time that he was the father.

This provision could impede ICWA, if a father no longer receives notice, and a identification of an Indian child, depriving tribal nations and Indian children of their rights and severing the connections between an Indian child and their tribal community and culture. The right to parent one's child is a fundamental and treasured right; it should be taken away only after all protections have been accorded to the parent. This new provision to eliminate notices to alleged fathers does not afford protections to the parent. *For these reasons, the Department proposes the Committee consider deleting these provisions from the bill.*

SB 521

SB 521 allows adult adoptees access to a Record of Adoption from the Department of Health Services (DHS) which includes the disclosure of the identity of the birth mother who placed a child for adoption, upon request of the adult adoptee. Wisconsin has embraced, as a long-standing value, balancing the interests of an adult adoptee in knowing his/her biological background for medical, social, cultural, and emotional reasons, with the right to privacy for a birth parent.

Under current law, an adult adoptee can request from DCF the identity of a birth parent; DCF discloses the identity to the adult adoptee only if the birth parent consents or the birth parents are deceased. SB 521 allows DHS to release the Record of Adoption, which includes the disclosure of the identity of a birth mother who placed a child for adoption, upon request of the adult adoptee, including birth mothers who have chosen and been assured confidentiality under current law.

In effect, the bill rescinds the confidentiality protection that was extended to birth mothers at the time the mother placed her child for adoption. These birth mothers are likely to have progressed to different stages of their lives; exposing their past decision may be distressing and disruptive to their current relationships with family members, friends, faith community and/or careers. In addition, the bill creates a complicated process for adoptees in that some adoption information would be available through DHS and other adoption information available through DCF. *For these reasons, the Department encourages the Committee to consider including in the bill*

measures that respect and maintain the privacy rights of birth mothers under current law; for example, by exempting from the bill's provisions records involving birth mothers who have not consented to disclosure under current law. The bill also needs to clarify that requirements related to Indian children in s. 48.028(9) and 2016 Federal Regulation reference is 25 C.F.R. §23.138 continue to hold.

SB 531

SB 531 requires that a child welfare permanency plan be provided to foster parents and foster children 12 years and older. By statute and administrative rule, foster parents already receive information necessary for the care of the child.

SB 531 raises concerns because a permanency plan is a comprehensive document that includes confidential and sensitive information about the birth parent(s) and relatives that is not needed for a foster parent to care for the child and either could be traumatic for a youth to learn or may harm family relationships if released to relative foster parents. To the extent that certain information in the permanency plan is protected by state and federal confidentiality statutes, child welfare workers will incur increased workload to complete the appropriate redactions in each permanency plan. Some sensitive information, such as domestic abuse experiences not reported to law enforcement, is not statutorily protected as confidential.

Modifying the bill to make the transmission of the plan to foster parents discretionary helps address the workload concern; however, the concern regarding sensitive information related to birth parents and relatives remains and needs to be addressed. Additionally, if this proposal moves forward, it should treat non-licensed relative caregivers in the same manner as foster parents to extend equitable treatment to foster and relative caregivers.

SB 534

SB 534 establishes a legally-enforceable post-adoption agreement. The Department supports the concept of "open adoptions" when it is safe and freely supported by both the birth and adoptive parents. *However, the Department views that a legally-enforceable post-adoption agreement imposes an unreasonable burden on the adoptive parents, particularly if the adoptive parent seeks changes in the agreement due to a change in the adoptive family's or birth family's circumstances or the child's needs.* The adoptive parent may need to initiate court action to

secure a change in the agreement, imposing time, cost, and effort on the adoptive parent, and delaying needed changes.

The bill treats adoptive parents differently than all other parents by limiting the adoptive parents' authority to make decisions about how and with whom their children spend time. Many different approaches to post-adoption agreements, including legally and non-legally enforceable approaches, are in place across states. The Department is evaluating using a *non-legally* binding post-adoption contact agreement, providing a model voluntary post-adoption agreement, and expanding required training on post-adoption agreements for pre-adoptive parents, and how stakeholder concerns about fraud, coercion and duress can be addressed.

IN OPPOSITION

The Department opposes SB 532 and SB 548. In general, these bills run counter to the principle of supporting and strengthening birth families so that they can safely maintain or reunify with their children whenever possible and the principle of engaging relatives as caregivers and supports in a child's life. Our comments seek to bring to the attention of the Committee the broader ramifications of the bill so that the Committee can consider the impact on all affected parties and stakeholders as it develops statutory changes in this policy area.

SB 532

SB 532 establishes foster parents and group homes as parties in change of placement proceedings. Foster parents already have the right to receive notice of a change of placement, request a hearing regarding a change of placement, and to provide information and be heard by the judge at a change of placement hearing. The Department recognizes and values foster parents for their critical role in opening their homes and hearts to care for children. However, giving foster parents party status is problematic for a number of reasons, as detailed below.

- (1) Change of placements are often initiated by the child welfare agency due to concerns related to the safety and/or child functioning in the foster home. It is not reasonable or appropriate to require the child welfare agency to enter into litigation with a foster family when a child needs to move to a home that is safe or can adequately meet the child's needs. Granting foster parents party status opens the door to increased adversarial litigation, which lengthens the time to permanency for a child. Children's interests already have an independent voice in court through their guardians ad litem, who are

attorneys appointed to the case to gather relevant information from an array of sources, make independent and objective recommendations to the court, and to represent the child's best interest and/or adversary counsel for older youth who represent the child's expressed wishes. Further, the judge is the most appropriate individual to determine the scope of access to the judicial process, and under current law judges already allow greater participation by foster parents if it does not delay the process and is in the child's best interest.

- (2) The bill provides foster parents the right to be represented by counsel. Because not all birth parents are currently represented by counsel in change of placement proceedings, the bill places birth parents at a disadvantage in cases where a foster parent is represented by counsel and could result in a court receiving uneven information from the parties about placement decisions.
- (3) The bill recognizes a group homeowner as being party to a case, similar to foster parents. Group homes are congregate care facilities and independent businesses. It is a conflict of interest for a business owner, who generates revenue by continued placement of a child in the facility, to be provided legal standing to advocate against a change of placement which the child welfare agency recommends in the child's best interest.
- (4) The bill allows for the automatic release of private medical and mental health records to all parties, regardless of their relevance to the proceeding. It is important to maintain confidentiality in child welfare cases because families struggle with extremely sensitive issues. There is no basis to give foster parents this level of access to information, and it is contrary to privacy rights and the child's welfare. Current law already requires a process that provides foster parents with information pertaining to the child's needs and caring for the child. The judge is the most appropriate individual to determine access to other classified information, and under current law may release additional information to foster parents when appropriate.

SB 548

SB 548 modifies the law regarding placement with relatives, including limiting the time a relative has to request placement. Consistent with federal law and state policy, including policy under the principles embodied in the new federal Family First Prevention Services Act, when a child cannot remain safely at home, the child welfare system seeks to place the child with a relative, whenever possible, rather than an unfamiliar foster parent. For children, the best outcome is to

be placed with a relative to preserve family connections and minimize the trauma of being removed from their home. There are valid reasons why it may take time for a relative to decide to take placement. Considerations include the time needed by child welfare workers to contact and discuss placements with multiple relatives who may be interested and capable. Further, complex family dynamics must be considered, and potential relative caregivers may view that initial placement with the relative is not supportive of the birth parents' reunification efforts.

Additionally, this bill appears to conflict with federal funding requirements that require child welfare agencies and courts to consider giving preference to a relative over a non-related caregiver when determining a child's placement. It also appears to conflict with the state WICWA and federal ICWA requirements that require child welfare agencies and the courts to follow tribal preferences for out-of-home placements, which place priority on placement with relatives.

Conclusion

Thank you for the opportunity to testify on these bills. As highlighted in our testimony, these bills address important and complex legal and programmatic issues with significant consequences to a range of children, families, and stakeholders. The Department is pleased to engage with the Committee and others in further discussions about these or other modifications for the purpose of collaboratively developing bills that support the children, families and communities in our state to thrive. We are pleased to respond to any questions.

REPORT OF ADOPTION

Do not post this form on any website or alter it in any way.

If the revision date on this form is over a year old, contact the State Vital Records Office to assure that you are using an acceptable version.

- **THIS IS A TWO-PAGE FORM AND MUST BE PRINTED BACK-TO-BACK.**
- Type or print in **BLACK INK**. Do **NOT** cross-out, write-over, erase, use correction fluid, or correction tape. If a mistake is made, prepare a new form.
- The clerk of court or deputy shall require the agency or attorney to complete Parts I - IV before the final decree of adoption is entered.
- The clerk of court or deputy completes Part V - VII and insures that the completed, signed and sealed report is sent to the State Registrar.
- **If you have questions regarding this form, call 608-267-7166.**

PART I TYPE OF ADOPTION (Check one.) <input checked="" type="checkbox"/> Stepparent <input type="checkbox"/> Single Parent <input type="checkbox"/> Two Parent						
PART II CHILD'S NEW NAME AS SET FORTH IN DECREE						
FIRST NAME		MIDDLE NAME		LAST NAME		
				TITLE (e.g., Jr., I, II)		
PART III INFORMATION ABOUT PARENTS AFTER THE CHILD'S ADOPTION (If Stepparent Adoption, both parents need to be listed).						
MOTHER OR OR PARENT ONE	FULL CURRENT NAME					
	First Name		Middle Name		Current Last Name	
					Title (e.g., Jr., I, II)	
	FULL BIRTH NAME (As it Appears On Birth Certificate)					
First Name		Middle Name		Birth Last Name	Title (e.g., Jr., I, II)	
				Title (e.g., Jr., I, II)		
Birth Date (Month / Day / Year)			STATE OF BIRTH (If not in USA, name of Country)			
			Wis.			
FATHER OR OR PARENT TWO	FULL CURRENT NAME					
	First Name		Middle Name		Current Last Name	Title (e.g., Jr., I, II)
					Title (e.g., Jr., I, II)	
	FULL BIRTH NAME (As it Appears On Birth Certificate)					
First Name		Middle Name		Birth Last Name	Title (e.g., Jr., I, II)	
				Title (e.g., Jr., I, II)		
Birth Date (Month / Day / Year)			STATE OF BIRTH (If not in USA, name of Country)			
ADOPTIVE MOTHER OR PARENT ONE'S RESIDENCE AT THE TIME OF THE CHILD'S BIRTH:						
State		County		Name of City, Village, or Township		
Check one <input type="checkbox"/> City <input type="checkbox"/> Township <input checked="" type="checkbox"/> Village						
VERIFICATION OF ABOVE	SIGNATURE - Parent One Verifying Above Data			SIGNATURE - Parent Two Verifying Above Data		
PRESENT COMPLETE MAILING ADDRESS OF ADOPTIVE PARENT(S) (Street Address / City / State / Zip Code)				DAYTIME TELEPHONE NUMBER		
PART IV BIRTH INFORMATION NEEDED TO LOCATE THE CURRENT BIRTH CERTIFICATE ON FILE						
CHILD'S PERSONAL DATA	CHILD'S FULL BIRTH NAME - First Name		Middle Name	Birth Last Name (as on birth certificate)	Title	BIRTH DATE (Month / Day / Year)
SEX (Check one)		BIRTHPLACE - City, Village, or Township		County	State (* See note at bottom of Pg 2)	
<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female						
BIRTH PARENT'S DATA	BIRTH PARENT'S FULL BIRTH NAME					
	First Name		Middle Name		Birth Last Name	Title (e.g., Jr., I, II)
					Title (e.g., Jr., I, II)	
	BIRTH PARENT'S FULL BIRTH NAME					
First Name		Middle Name		Birth Last Name	Title (e.g., Jr., I, II)	
				Title (e.g., Jr., I, II)		

PART V COURT DIRECTIVE

A New Birth Certificate for this child:

- is to be created
- should not be created and no changes to the existing record
- should not be created and the existing record is to show the child's name change as follows:

First Name	Middle Name	Last Name	Title (e.g., Jr., I, II)
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REGARDING ADULT ADOPTIONS WITH NAME CHANGE:
A PERSON THAT IS REQUIRED TO REGISTER AS A SEX OFFENDER MAY NOT CHANGE HIS OR HER NAME,
Pers. 301.47, Wis Stats. (Class H felony).

PART VI AMENDMENT (Complete this section if an Amendment is needed to the previous Report of Adoption.)

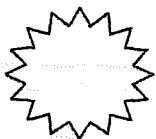
- See Part _____ of this form.
- The following item has been amended from the previous Report of Adoption (must list the same Court Case Number).

Name of Item	New Amended Information
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PART VII CERTIFICATION OF CLERK OF COURT OR DEPUTY

Case Number (MANDATORY)	Effective Date of Adoption (Month/Day/Year)	Amendment Order <input type="checkbox"/> Adoption has been Amended	Effective Date of Amendment (Month/Day/Year)
Branch Number	County	City	State

Court Seal Must Be Present I hereby certify that an order has been granted for the adoption of the child identified in Part II above by the parent(s) identified in Part III above



SIGNATURE _____ Date Signed _____
(Signature of Clerk of Court or Deputy) (Month/Day/Year)

COURT SEAL NAME (Typed or Printed) – Clerk of Court or Deputy _____

PART VIII FEE AND MAILING INFORMATION (Complete this section only if this report is to be filed in Wisconsin Vital Records.)*

<input checked="" type="checkbox"/> Fee to File this Report of Adoption	\$ 20.00	\$ 20.00
<input type="checkbox"/> Fee to file an Amendment to the Report of Adoption.....	\$ 10.00	
<input checked="" type="checkbox"/> One certified copy of the new birth certificate	\$ 20.00	\$ 20.00
<input checked="" type="checkbox"/> Each additional copy of the new birth certificate issued at the same time as the first copy	2 X \$ 3.00	\$ 6.00
	<small>No. of Copies</small>	

Make check or money order payable to: **State of Wis. Vital Records** TOTAL \$ 46.00

Send this properly completed, signed, sealed form and a check or money order to:
State Vital Records Office / ATTN: Adoptions / P.O. Box 309 / Madison, WI 53701-0309

SEND CERTIFIED COPY OF NEW BIRTH CERTIFICATE TO: (Check one if ordering a copy.)

- Adoptive Parents in Part III
- Attorney / Agency / Name and Address Below

ADDRESSEE NAME	DAYTIME TELEPHONE NUMBER
	()

COMPLETE MAILING ADDRESS – Street Address or P.O. Box	City	State	ZIP Code
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- If the child was born in **Wisconsin**, send this completed form and a check or money order to the Wisconsin State Vital Records Office at the address listed above.
- If the child was born in the U.S.A., but **not in Wisconsin**, send this report to the proper authorities in the birth state. Fees may vary from state to state. Please see the following website for other states Vital Records <http://www.cdc.gov/nchs/w2w.htm>.

HOW DOES THE LAW AFFECT ADOPTIVE PARENTS?

The DCF must attempt to notify the adoptive parents of a minor child when written information is received from a licensed physician verifying that a birth parent or biological sibling has developed a genetically transferable disease or condition.

Adoptive parents may request medical/genetic information and non-identifying social history information about their adopted child's birth parents.

OTHER PERSONS ELIGIBLE TO REQUEST MEDICAL/GENETIC INFORMATION

- The guardian or legal custodian of an adopted person or of an individual whose birth parents terminated parental rights.
- the offspring of an adopted person if he or she is at least 18.
- an agency or social worker assigned to provide services to the adopted person.
- The parent or guardian of a deceased adoptee's child.

Physicians can direct the program to pass on genetically transferable disease information about adopted persons, individuals, birth parents or siblings to adopted persons, individuals or birth parents.

ADULTS WHOSE BIRTH PARENTS TERMINATED PARENTAL RIGHTS

Adults who were not legally adopted as children but whose birth parents terminated parental rights in Wisconsin have the same services available under this program as adult adoptees.

SEARCH FEES

An hourly fee is charged for the release of medical, genetic and non-identifying social history information contained in existing closed adoption records. The maximum charge for preparing these materials is limited to \$150.

An hourly fee is also charged for a search for birth parents.

Some applicants may be eligible for a fee reduction. Additional information about Program fees can be found on the Adoption Records Search Program application form.

FOR MORE INFORMATION ON THIS PROGRAM OR TO REQUEST AN AFFIDAVIT OR APPLICATION PACKET, CONTACT:

Adoption Records Search Program
DCF/DSP
P.O. Box 8916
Madison, WI 53708-8916
(608) 422-6928

E-mail:

dcfadoptionssearch@wisconsin.gov

Website:

<https://dcf.wisconsin.gov/adoption/search>

The Department of Children and Families is an equal opportunity employer and service provider. If you have a disability and need to access services, receive information in an alternate format, or need information translated to another language, please call (608) 266-8787. Individuals who are deaf, hard of hearing, deaf-blind or speech disabled can use the free Wisconsin Relay Service (WRS) – 711 to contact the department.

DCF-P-PFS0005A (R. 08/2019)

ADOPTION RECORDS SEARCH PROGRAM



A SPECIALIZED PROGRAM FOR:

ADULT ADOPTED PERSONS
ADULTS WHOSE BIRTH PARENTS
TERMINATED PARENTAL RIGHTS BUT WERE
NOT ADOPTED
ADOPTIVE PARENTS
BIRTH PARENTS

DIVISION OF SAFETY AND PERMANENCE

THE WISCONSIN ADOPTION RECORDS SEARCH LAW

Wisconsin's adoption record search law is set forth in sections 48.432 and 48.433, Wisconsin Statutes. It is administered by the Wisconsin Department of Children and Families (DCF).

The primary purpose of this law is to help persons who have been adopted or whose birth parents have terminated their parental rights, to obtain information about themselves and their birth relatives. This information may include:

- Non-identifying social history information.
- Medical and genetic information about birth parents and members of their families, including routine health information and any known hereditary or degenerative diseases.
- Most recent names and address of birth parents in DCF files.
- A copy of the impounded birth certificate (the birth certificate on file prior to the time of adoption).

The law specifies conditions and protections under which the search may be conducted. Birth parents have the option to file a notarized statement (affidavit) with DCF consenting to the release of their identities or to refuse to allow the release of their identities.

Adult adoptees may also file a consent allowing for their contact information to be released to a birth parent who requests it.

ADMINISTRATION OF THE LAW

The law requires DCF to assist eligible persons to obtain medical and genetic information from and, or locate their birth parents.

The law establishes procedures for adults whose birth parents have terminated parental rights and adopted persons to search for their birth parents.

The law also:

- Requires Circuit Courts to report medical and genetic information on both birth parents and relatives to DCF at the time parental rights are terminated in Wisconsin.
- Requires DCF to maintain a permanent centralized birth record file on all adoptions completed within the State.
- Allows adoptive parents to request medical and genetic and non-identifying social history information from existing records or to request updated medical or genetic information from their children's birth parents.

HOW DOES THE LAW AFFECT ADOPTED PERSONS?

A person who was adopted in Wisconsin who is now age 18 or older may request a search for his or her birth parents. A birth parent must file an affidavit of consent before any identifying information can be released.

If an affidavit is not already on file, a search for the birth parent will be conducted. The birth parent is then contacted and given the option of signing an affidavit to release identifying information – or refusing.

When paternity was legally established, both birth parents must file affidavits before the identity of either one of them may be released to the adopted person. If the adopted person was born in Wisconsin, a copy of his or her impounded birth certificate can be released once the birth parents have filed affidavits.

An adopted person can also request non-identifying information from his or her adoption file and updated medical and genetic information about his or her birth parents. If updated information is requested, a search for the birth parent will be conducted to obtain the information.

An adopted person may file a notarized affidavit with DCF consenting to the release of his/her identity to a birth parent upon request.

The DCF makes every effort to notify an adopted person or his or her adoptive parents (if not yet 18 years old), if we receive information that a birth parent or biological sibling has developed a genetically transferable disease or condition.

HOW DOES THE LAW AFFECT BIRTH PARENTS?

A birth parent may file a notarized affidavit with DCF consenting to the release of his/her identity and location and a copy of the impounded birth certificate to the adopted person.

A birth parent may revoke the affidavit (withdraw their consent) at any time by writing to the Adoption Records Search Program.

A birth parent may request the most recent name and address of the birth child they placed for adoption if the birth child has an affidavit of consent on file with DCF.

Birth parents are required to provide medical/genetic information to the court at the time parental rights are terminated. Updated medical/genetic information may be filed with DCF any time. Forms are available from Adoption Records Search Program for this purpose.

A birth parent may request the Program to notify an adoptee, if a genetically transferable disease or condition is present in the family. A statement from a licensed physician is required.

HOW DOES THE LAW AFFECT SIBLINGS?

The current adoption search law does NOT allow siblings to request searches for each other. Some medical information about siblings may be included in the non-identifying social history record.