

2005 DRAFTING REQUEST

Bill

Received: 02/24/2005

Received By: gmalaise

Wanted: As time permits

Identical to LRB:

For: Stephen Freese (608) 266-7502

By/Representing: Terri Griffiths

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: Children - TPR and adoption

Extra Copies:

Submit via email: YES

Requester's email: Rep.Freese@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Identifying information about birth parent; age at which adoptee may obtain

Instructions:

See Attached--lower from 21 to 18 the age at which an adoptee may obtain identifying information about his or her birth parents

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>
/?	gmalaise 02/24/2005	jdyer 03/07/2005		_____			S&L
	gmalaise 03/03/2005			_____			
/1			rschlue 03/07/2005	_____	sbasford 03/07/2005	lnorthro 03/07/2005	

FE Sent For:

<END>

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CANCEL

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/?	gmalaise	13/jld					

FE Sent For:

<END>

Malaise, Gordon

From: Griffiths, Terri
Sent: Thursday, February 24, 2005 11:04 AM
To: Malaise, Gordon
Subject: RE: Adoption Draft Request

Thank you. You are spared the crafting of yet another piece of adoption legislation!

-----Original Message-----

From: Malaise, Gordon
Sent: Thursday, February 24, 2005 10:55 AM
To: Griffiths, Terri
Subject: RE: Adoption Draft Request

Terri:

You're right! Section 48.93 (1r) already permits the disclosure of medical information at age 18. Section 48.432 does so well with respect to information maintained by DHFS in its centralized birth record file and, in addition, requires DHFS, on request, to search for birth parents who have not filed the information.

1997 AB 52 actually pertains to the disclosure of information about the identity of the adoptee's birth parents, which is a much more sensitive issue. Your constituent, however, is not interested in that.

Accordingly, I think you can advise your constituent that ss. 48.432 and 48.93 (1r) already permit him to obtain medical information about his birth parents at age 18.

Gordon

-----Original Message-----

From: Griffiths, Terri
Sent: Thursday, February 24, 2005 10:40 AM
To: Malaise, Gordon
Subject: RE: Adoption Draft Request

Gordon,

I was just looking at 48.93 (1g) and then looked down at 48.93 (1r). It appears to me that this one may cover our other issue. Would you check that to see I am reading that correctly?
Thanks, Terri

-----Original Message-----

From: Malaise, Gordon
Sent: Wednesday, February 23, 2005 4:18 PM
To: Griffiths, Terri
Subject: RE: Adoption Draft Request

Terri:

1997 AB 52 not only lowers the age at which an adoptee may obtain identifying information about his or her birth parents from 21 to 18 but also permits an adoptee to obtain identifying information about his or her birth siblings. Because you are simply requesting that the age be lowered to 18, I will include only that provision from 1997 AB 52 and not the provisions relating to information about birth siblings.

As for your second request, current law already requires the juvenile court at the time of adoption to provide the child's medical record, which includes information about the medical and genetic histories of the child's parents, to the adoptive parents. See s. 48.93 (1g), stats. As such, your second request is already covered.

Gordon

-----Original Message-----

From: Griffiths, Terri
Sent: Wednesday, February 23, 2005 2:55 PM
To: Malaise, Gordon
Subject: Adoption Draft Request

Rep. Freese would to draft legislation similar to 1997 AB 52 - but specific to medical information.

A constituent has come to us with the request that he, as an adopted child, would like to be able to have medical history of his birth parents available to him at his request from the department of health and family services when he is 18. This change is to the age requirement from 21 to 18.

Secondly, Representative Freese would like to have drafted the requirement for medical history of birth parents be available to adoptive parents upon request at the time of adoption. This information should not include information that goes against current law that protects identity of birth parents.

Questions regarding this draft request should be directed to me. Thank you.

*Terri S. Griffiths
Administrative Assistant/Committee Clerk
Assembly Committee on Campaigns & Elections
Office of Rep. Stephen J. Freese
(608) 266-7502*

Malaise, Gordon

From: Griffiths, Terri
Sent: Wednesday, March 02, 2005 3:15 PM
To: Malaise, Gordon
Subject: RE: Laws

Evidently that is the case. This was not the instruction I was given by Rep. Freese initially, but our constituent has modified the directions and we'll go with this now.

-----Original Message-----

From: Malaise, Gordon
Sent: Wednesday, March 02, 2005 3:00 PM
To: Griffiths, Terri
Subject: RE: Laws

Terri:

So, it's not about obtaining medical information but rather about learning the identity of one's birth parents at age 18 instead of 21.

Gordon

-----Original Message-----

From: Griffiths, Terri
Sent: Wednesday, March 02, 2005 2:41 PM
To: Malaise, Gordon
Subject: FW: Laws

Gordon;

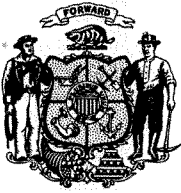
Well according to our constituent, we need a 2005 draft of Rep. Freese 1997 AB 52. See the note below from Brandon Hager. We've gone back and forth on this and evidently we now have it understood. If you have questions please let me know. Thank you.
Terri

-----Original Message-----

From: bhager@wisconsinffa.org [mailto:bhager@wisconsinffa.org]
Sent: Wednesday, March 02, 2005 2:36 PM
To: Griffiths, Terri
Subject: RE: Laws

That is correct, it has nothing to do with medical information. It is just so that adopted kids are able to search for their parents at 18 and not have to wait till 21. You have it exactly right, thank you so much.

Brandon



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2262/P

GMM: A: ...

Jed

Gen

- 1 AN ACT ...; relating to: the age at which an adoptee may obtain identifying
2 information about his or her birth parents. ✓

Analysis by the Legislative Reference Bureau

Current law provides a procedure by which a person whose birth parent's rights have been terminated, or who has been adopted, in this state may require the Department of Health and Family Services (DHFS) to provide the person, after the person reaches 21 years of age, with the person's original birth certificate and any information that is available to DHFS regarding the identity and location of the person's birth parents. DHFS may provide the identity and location of a birth parent only if DHFS has on file an unrevoked affidavit from each known birth parent* authorizing DHFS to disclose that information. If DHFS does not have on file an unrevoked affidavit from each known birth parent, DHFS must search for each birth parent who has not filed an affidavit. Upon locating a birth parent, DHFS must give the birth parent an opportunity to file an affidavit. If after a search a known birth parent cannot be located, DHFS may disclose identifying information concerning that birth parent if the other birth parent has filed an unrevoked affidavit. If a birth parent who has not filed an affidavit is known to be deceased, DHFS must so inform the requester, but may not provide the identity of that birth parent. This bill lowers from 21 to 18 the age at which a person may require the DHFS to provide the person with his or her original birth certificate and information about the person's birth parents.

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 (3) (intro.) of the statutes is amended to read:

2 48.433 (3) (intro.) Any person ~~21~~ 18 years of age or over whose birth parent's
3 rights have been terminated in this state or who has been adopted in this state with
4 the consent of his or her birth parent or parents before February 1, 1982, may request
5 the department, or agency contracted with under sub. (11), to provide the person with
6 the following:

History: 1981 c. 359, 391; 1983 a. 471; 1985 a. 176; 1985 a. 332 s. 251 (1); 1989 a. 31; 1995 a. 27.

7 SECTION 2. Initial applicability.

8 (1) ACCESS TO IDENTIFYING INFORMATION ABOUT BIRTH PARENTS. This act first
9 applies to requests for access to identifying information about birth parents, as
10 defined in section 48.433 (1) (b) of the statutes, that are received by the department
11 of health and family services on the effective date of this subsection.

12 (END)

Northrop, Lori

From: Griffiths, Terri
Sent: Monday, March 07, 2005 2:10 PM
To: LRB.Legal
Subject: Draft review: LRB 05-2262/1 Topic: Identifying information about birth parent; age at which adoptee may obtain

It has been requested by <Griffiths, Terri> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-2262/1 Topic: Identifying information about birth parent; age at which adoptee may obtain