



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2474/1
CMH:cdc

2021 SENATE BILL 524

1 **AN ACT to amend** 48.433 (4), 48.433 (5) (intro.), 48.433 (6) (a), 48.433 (7) (a)
2 (intro.), 48.433 (8) (a) and 48.433 (8) (b); and **to create** 48.433 (8g) of the
3 statutes; **relating to:** access to a deceased adoptee's original birth certificate
4 and information about birth parents by an adult child of the adoptee.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 48.433 (4) of the statutes is amended to read:
6 48.433 (4) Before acting on the a request under sub. (3), the department, or
7 agency contracted with under sub. (11), shall require the requester to provide
8 adequate identification.

9 **SECTION 2.** 48.433 (5) (intro.) of the statutes is amended to read:

SENATE BILL 524**SECTION 2**

1 48.433 (5) (intro.) The department, or agency contracted with under sub. (11),
2 shall disclose the requested information under sub. (3) in either of the following
3 circumstances:

4 **SECTION 3.** 48.433 (6) (a) of the statutes is amended to read:

5 48.433 (6) (a) If the department, or agency contracted with under sub. (11), does
6 not have on file an affidavit from each known birth parent, it shall, within 3 months
7 after the date of the original request under sub. (3), undertake a diligent search for
8 each birth parent who has not filed an affidavit. The search shall be completed
9 within 6 months after the date of the request, unless the search falls within one of
10 the exceptions established by the department by rule. If any information has been
11 provided under sub. (5), the department or agency is not required to conduct a search.

12 **SECTION 4.** 48.433 (7) (a) (intro.) of the statutes is amended to read:

13 48.433 (7) (a) (intro.) The department or agency conducting the search under
14 sub. (6) shall, upon locating a birth parent, make at least one verbal contact and
15 notify him or her of the following:

16 **SECTION 5.** 48.433 (8) (a) of the statutes is amended to read:

17 48.433 (8) (a) If a birth parent of a requester under sub. (3) is known to be
18 deceased, the department, or agency contracted with under sub. (11), shall so inform
19 the requester. The department or agency shall provide the requester with the
20 identity of the deceased parent. If both birth parents are known to be deceased, the
21 department or agency shall provide the requester with his or her original birth
22 certificate. If only one birth parent is known to be deceased, the department or
23 agency shall provide the requester with his or her original birth certificate and any
24 available information it has on file regarding the identity and location of the other
25 birth parent if the other birth parent has filed an unrevoked affidavit under sub. (2).

SENATE BILL 524

1 **SECTION 6.** 48.433 (8) (b) of the statutes is amended to read:

2 48.433 **(8)** (b) If a birth parent of a requester under sub. (3) is known to be dead,
3 the department, or agency contracted with under sub. (11), in addition to the
4 information provided under par. (a), shall provide the requester with any
5 nonidentifying social history information about the deceased parent on file with the
6 department or agency.

7 **SECTION 7.** 48.433 (8g) of the statutes is created to read:

8 48.433 **(8g)** (a) In this subsection, “offspring” means an adult who is the child
9 of a person whose birth parents’ parental rights have been terminated in this state
10 or who has been adopted in this state with the consent of his or her birth parent or
11 parents before February 1, 1982.

12 (b) Subject to par. (c), an offspring may request the department, or agency
13 contracted with under sub. (11), to provide the offspring with the following:

- 14 1. The original birth certificate of the offspring’s parent.
15 2. Any available information regarding the identity of the birth parents of the
16 offspring’s parent.

17 (c) Before acting on a request under par. (b), the department, or agency
18 contracted with under sub. (11), shall require the requester to provide adequate
19 identification of himself or herself and documentation of his or her relationship to the
20 deceased parent.

21 (d) The department, or agency contracted with under sub. (11), shall disclose
22 the information requested under par. (b) if the offspring’s parent and both birth
23 parents of the offspring’s parent are deceased.

24

(END)

State of Wisconsin



2021 Senate Bill 524

Date of enactment: **March 4, 2022**
Date of publication*: **March 5, 2022**

2021 WISCONSIN ACT 150

AN ACT *to amend* 48.433 (4), 48.433 (5) (intro.), 48.433 (6) (a), 48.433 (7) (a) (intro.), 48.433 (8) (a) and 48.433 (8) (b); and *to create* 48.433 (8g) of the statutes; **relating to:** access to a deceased adoptee's original birth certificate and information about birth parents by an adult child of the adoptee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 48.433 (4) of the statutes is amended to read:

48.433 (4) Before acting on ~~the a~~ request under sub. (3), the department, or agency contracted with under sub. (11), shall require the requester to provide adequate identification.

SECTION 2. 48.433 (5) (intro.) of the statutes is amended to read:

48.433 (5) (intro.) The department, or agency contracted with under sub. (11), shall disclose the requested information under sub. (3) in either of the following circumstances:

SECTION 3. 48.433 (6) (a) of the statutes is amended to read:

48.433 (6) (a) If the department, or agency contracted with under sub. (11), does not have on file an affidavit from each known birth parent, it shall, within 3 months after the date of the original request under sub. (3), undertake a diligent search for each birth parent who has not filed an affidavit. The search shall be completed within 6 months after the date of the request, unless the search falls within one of the exceptions established by the department by rule. If any information has been pro-

vided under sub. (5), the department or agency is not required to conduct a search.

SECTION 4. 48.433 (7) (a) (intro.) of the statutes is amended to read:

48.433 (7) (a) (intro.) The department or agency conducting the search under sub. (6) shall, upon locating a birth parent, make at least one verbal contact and notify him or her of the following:

SECTION 5. 48.433 (8) (a) of the statutes is amended to read:

48.433 (8) (a) If a birth parent of a requester under sub. (3) is known to be deceased, the department, or agency contracted with under sub. (11), shall so inform the requester. The department or agency shall provide the requester with the identity of the deceased parent. If both birth parents are known to be deceased, the department or agency shall provide the requester with his or her original birth certificate. If only one birth parent is known to be deceased, the department or agency shall provide the requester with his or her original birth certificate and any available information it has on file regarding the identity and location of the other birth parent if the other birth parent has filed an unrevoked affidavit under sub. (2).

SECTION 6. 48.433 (8) (b) of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

48.433 (8) (b) If a birth parent of a requester under sub. (3) is known to be dead, the department, or agency contracted with under sub. (11), in addition to the information provided under par. (a), shall provide the requester with any nonidentifying social history information about the deceased parent on file with the department or agency.

SECTION 7. 48.433 (8g) of the statutes is created to read:

48.433 (8g) (a) In this subsection, “offspring” means an adult who is the child of a person whose birth parents’ parental rights have been terminated in this state or who has been adopted in this state with the consent of his or her birth parent or parents before February 1, 1982.

(b) Subject to par. (c), an offspring may request the

department, or agency contracted with under sub. (11), to provide the offspring with the following:

1. The original birth certificate of the offspring’s parent.

2. Any available information regarding the identity of the birth parents of the offspring’s parent.

(c) Before acting on a request under par. (b), the department, or agency contracted with under sub. (11), shall require the requester to provide adequate identification of himself or herself and documentation of his or her relationship to the deceased parent.

(d) The department, or agency contracted with under sub. (11), shall disclose the information requested under par. (b) if the offspring’s parent and both birth parents of the offspring’s parent are deceased.
