



2011 ASSEMBLY BILL 12

February 2, 2011 – Introduced by Representatives KESTELL, MILROY, STONE, BARCA, BERNARD SCHABER, BEWLEY, BROOKS, D. CULLEN, DANOU, JORGENSEN, KESSLER, LEMAHIEU, PASCH, RIPP, SHILLING, SEIDEL, SINICKI, TURNER and VRUWINK, cosponsored by Senators LAZICH, JAUCH, LASSA and OLSEN. Referred to Committee on Children and Families.

1 **AN ACT** *to renumber* 48.94; *to amend* 69.15 (2) (a) (intro.); and *to create* 48.94
2 (2) and 69.15 (2) (d) of the statutes; **relating to:** the restoration of information
3 from an original birth certificate after adoption.

Analysis by the Legislative Reference Bureau

Under current law, at the time 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. The new birth certificate must contain, among other information, the names and personal information of the adoptive parents, unless the court's order of adoption indicates otherwise. When a new certificate is issued, the original 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.

This bill allows an adult who has been adopted to petition the court to order the state registrar to prepare a new birth certificate based on information on the person's original birth certificate if the person did not have the opportunity, at the time of the adoption, to request that a new birth certificate not be prepared; any adoptive parent who is alive and who is named on the person's birth certificate does not object to the removal of his or her name from the birth certificate; and any birth parent who is alive and who is named on the person's original birth certificate does not object to the restoration of the information on the person's original birth certificate. Under the bill, if the court finds that all of those circumstances apply, the court must grant the petition. The state registrar must issue a new birth certificate that uses all of the information from the original birth certificate, if ordered by the court.

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A new birth certificate issued under the bill does not affect the legal relationship between the adoptive parents and the adoptee and does not restore any legal rights or legal relationship that terminated at the time of adoption.

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.** 48.94 of the statutes is renumbered 48.94 (1).

2 **SECTION 2.** 48.94 (2) of the statutes is created to read:

3 48.94 (2) If the court issues an order under s. 69.15 (2) (d) to restore the
4 information from an adoptee's original birth certificate, the state registrar shall
5 issue a new birth certificate containing the information from the adoptee's original
6 birth certificate. The restoration of any birth parent's name on the adoptee's birth
7 certificate does not do any of the following:

8 (a) Affect the legal relationship of parent and adoptee that was created by the
9 order of adoption.

10 (b) Restore any legal rights or any legal relationship that terminated upon the
11 order of adoption.

12 **SECTION 3.** 69.15 (2) (a) (intro.) of the statutes is amended to read:

13 69.15 (2) (a) (intro.) Except as provided under par. (b), if the state registrar
14 receives an order under sub. (1) which provides for an adoption, the state registrar
15 shall prepare, under sub. (6), a new certificate for the subject of the adoption unless
16 the adoptive parents or the subject of the adoption requests, under s. 48.94 (1), that
17 no new certificate be prepared. If the order is from a court in this state, the order
18 shall include a certified copy of the original birth certificate registered for the subject
19 of the adoption. The new certificate shall show:

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1 **SECTION 4.** 69.15 (2) (d) of the statutes is created to read:

2 69.15 (2) (d) 1. A court shall order the state registrar to prepare for the subject
3 of a birth certificate a new birth certificate based on the information on the subject's
4 original birth certificate if all of the following circumstances apply:

5 a. The subject of the birth certificate petitions the court for a new birth
6 certificate.

7 b. The subject is an adult who was the subject of an adoption.

8 c. The subject did not have the opportunity under par. (a), at the time of the
9 adoption, to request that no new birth certificate be prepared.

10 d. Any adoptive parent who is alive and who is named on the subject's birth
11 certificate does not object to the removal of his or her name from the subject's birth
12 certificate.

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

16 2. If the court grants an order under subd. 1., the state registrar shall prepare
17 under sub. (6) a new birth certificate using all of the information contained on the
18 original birth certificate.

19 **(END)**