

State of Wisconsin



2015 Senate Bill 386

Date of enactment: **February 4, 2016**
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2015 WISCONSIN ACT 134

AN ACT *to repeal* 48.433 (8) (a) 2.; *to consolidate, renumber and amend* 48.433 (8) (a) (intro.) and 1.; *to amend* 48.432 (4) (a); and *to create* 48.432 (3) (a) 4m. and 48.433 (8r) of the statutes; **relating to:** access by a birth parent whose parental rights have been terminated in this state to identifying information about his or her child and access to medical and genetic information about such a birth parent.

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

SECTION 1. 48.432 (3) (a) 4m. of the statutes is created to read:

48.432 (3) (a) 4m. The parent, guardian, or legal custodian of an offspring of a deceased individual or adoptee, if the offspring is under 18 years of age.

SECTION 2. 48.432 (4) (a) of the statutes is amended to read:

48.432 (4) (a) Whenever any person specified under sub. (3) wishes to obtain medical and genetic information about an individual whose birth parent's rights have been terminated in this state at any time, or whose birth parent consented to his or her adoption before February 1, 1982, or medical and genetic information about the birth parents of such an individual or adoptee, and the information is not on file with the department, or agency contracted with under sub. (9), the person may request that the department or agency conduct a search for the birth parents to obtain the information. ~~The request shall be accompanied by a statement from a physician certifying either that the individual or adoptee has or may have acquired a genetically transferable disease or that the individual's or adoptee's medical condition requires access to the information.~~

SECTION 3. 48.433 (8) (a) (intro.) and 1. of the statutes are consolidated, renumbered 48.433 (8) (a) and amended to read:

48.433 (8) (a) If a birth parent is known to be ~~dead and has not filed an unrevoked affidavit under sub. (2) deceased~~, the department, or agency contracted with under sub. (11), shall so inform the requester. The department or agency ~~may not~~ 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 ~~or with the identity of that parent, but. 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 ~~both of the following conditions exist: 1. The~~ the other birth parent has filed an unrevoked affidavit under sub. (2).

SECTION 4. 48.433 (8) (a) 2. of the statutes is repealed.

SECTION 5. 48.433 (8r) of the statutes is created to read:

48.433 (8r) (a) In this subsection, "birth parent" has the meaning given in s. 48.432 (1) (am) and includes any

* 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."

other person who may be the person's biological parent and whose parental rights have been terminated.

(b) Any person 18 years of age or over whose birth parent's 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, may file with the department, or agency contracted with under sub. (11), an affidavit authorizing the department or agency to provide the person's birth parent with any available information about the identity and location of the person. An affidavit filed under this subsection may be revoked at any time by notifying the department or agency in writing.

(c) Any birth parent whose rights have been terminated in this state at any time, or who has consented to the adoption of his or her child in this state before February 1, 1982, may request the department, or agency contracted with under sub. (11), to provide him or her with any available information about the identity and location of any person 18 years of age or over who was or may have been his or her child. Before acting on the request, the department or agency shall require the requester to provide adequate identification.

(d) If the department, or agency contracted with under sub. (11), has on file an unrevoked affidavit filed under par. (a) by a person 18 years of age or over who was or may have been a child of the requester, the department or agency shall disclose the information requested under

par. (b) related to the person who filed the affidavit. In disclosing information under this paragraph, the department or agency may not disclose any information that would reveal the identity or location of a birth parent other than the birth parent requesting the information.

SECTION 6. Initial applicability.

(1) ACCESS TO IDENTIFYING INFORMATION. The treatment of section 48.433 (8r) of the statutes first applies to a request by a birth parent, as defined in section 48.433 (8r) (a) of the statutes, for identifying information about a person 18 years of age or over who was or may have been his or her child made on the effective date of this subsection, regardless of whether the birth parent's parental rights to the person were terminated or the birth parent consented to the adoption of the person prior to the effective date of this subsection.

(2) ACCESS TO MEDICAL AND GENETIC INFORMATION. The treatment of section 48.432 (3) (a) 4m. of the statutes first applies to a request for medical and genetic information, and the treatment of section 48.432 (4) (a) of the statutes first applies to a request for a search to obtain that information, made on the effective date of this subsection, regardless of whether the parental rights of the birth parent, as defined in section 48.432 (1) (am) of the statutes, whose medical and genetic information is the subject of the request were terminated, or that birth parent consented to the adoption of his or her child, prior to the effective date of this subsection.