2025 SENATE BILL 388

August 11, 2025 - Introduced by Senator JACQUE, cosponsored by Representatives TITTL, MURPHY, GOODWIN, KNODL, MURSAU, O'CONNOR and WICHGERS. Referred to Committee on Mental Health, Substance Abuse Prevention, Children and Families.

1   AN ACT *to repeal* 48.433 (3) (a); *to renumber and amend* 69.14 (3) (c) and

2   69.15 (6) (b); *to consolidate, renumber and amend* 48.433 (3) (intro.) and

3   (b); *to amend* 48.433 (2), 48.433 (8) (a) and 69.22 (1) (b); *to create* 69.14 (3) (c)

4   3., 69.15 (6) (b) 4. and 69.21 (2) (bm) of the statutes; **relating to:** access to an

5   original impounded birth record.

Analysis by the Legislative Reference Bureau

This bill expands access to original impounded birth records, allowing an adoptee whose original birth record has been impounded to receive an uncertified copy of that impounded record upon request once the adoptee is 18 years of age.

Under current law, the Department of Children and Families administers an adoption search program under which a person 18 years of age or over whose birth parent's rights have been terminated in this state may request DCF to provide the person with any information that is available to DCF regarding the identity and location of the person's birth parents. DCF may provide the identity and location of a birth parent only if DCF has on file an unrevoked affidavit from each known birth parent authorizing DCF to disclose that information. If DCF does not have on file an unrevoked affidavit from each known birth parent, DCF must search for each birth parent who has not filed an affidavit and, upon locating a birth parent, must

give the birth parent an opportunity to file an affidavit. If a known birth parent cannot be located, DCF may disclose the identity and location of that birth parent if the other birth parent has filed an unrevoked affidavit. If one birth parent is known to be deceased and the other alive, DCF must provide the identity of the deceased parent, but may provide the original birth certificate and the identity and location of the living birth parent only if that birth parent has filed an unrevoked affidavit.

Generally, under current law, if the state registrar receives a court or administrative order providing for an adoption, the state registrar must prepare a new birth record for the subject of the adoption unless the adoptive parents or the adoptee requests that no new record be prepared. The new record must show certain information including the names and personal information of the adoptive parents and must show the hospital and time of birth as unknown. The state registrar must impound the original birth record and all related materials and may generally not provide access to them, except when authorized by the birth parent in an affidavit prepared using the procedure under current law that is described above.

The bill eliminates language allowing for access to an adoptee's original impounded birth record only when access has been granted by the birth parent in an affidavit. The bill instead requires the state registrar to provide any person over the age of 18 whose original birth record has been impounded with unrestricted access to the person's original unaltered birth record and issue that person an uncertified copy of the original unaltered birth record. The bill also requires that the state registrar, when issuing an uncertified copy of an original impounded birth record, to inform the recipient about current law provisions regarding access to certain information about a person's birth parents. The bill does not change certain restrictions applicable to vital record access in the circumstance of adoptions involving an Indian child.

For further information see the state 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 (2) of the statutes is amended to read:

2   48.433 **(2)** Any birth parent whose rights have been terminated in this state

3   at any time, or who has consented to the adoption of his or her child in this state

4   before February 1, 1982, may file with the department, or agency contracted with

5   under sub. (11), an affidavit authorizing the department or agency to provide the

1   child ~~with his or her original birth certificate and~~ with any ~~other~~ available

2   information about the birth parent's identity and location. An affidavit filed under

3   this subsection may be revoked at any time by notifying the department or agency

4   in writing.

5   **SECTION 2.** 48.433 (3) (intro.) and (b) of the statutes are consolidated,

6   renumbered 48.433 (3) and amended to read:

7   48.433 **(3)** Any person 18 years of age or over whose birth parent's rights have

8   been terminated in this state or who has been adopted in this state with the consent

9   of his or her birth parent or parents before February 1, 1982, may request the

10   department, or agency contracted with under sub. (11), to provide the person with

11   ~~the following: (b) Any~~ any available information regarding the identity and location

12   of his or her birth parents.

13   **SECTION 3.** 48.433 (3) (a) of the statutes is repealed.

14   **SECTION 4.** 48.433 (8) (a) of the statutes is amended to read:

15   48.433 **(8)** (a) If a birth parent of a requester under sub. (3) is known to be

16   deceased, the department, or agency contracted with under sub. (11), shall so

17   inform the requester. The department or agency shall provide the requester with

18   the identity of the deceased parent. ~~If both birth parents are known to be deceased,~~

19   ~~the department or agency shall provide the requester with his or her original birth~~

20   ~~certificate.~~ If only one birth parent is known to be deceased, the department or

21   agency shall provide the requester with ~~his or her original birth certificate and~~ any

22   available information it has on file regarding the identity and location of the other

1　birth parent if the other birth parent has filed an unrevoked affidavit under sub.

2　(2).

3　**SECTION 5.** 69.14 (3) (c) of the statutes is renumbered 69.14 (3) (c) (intro.) and

4　amended to read:

5　69.14 **(3)** (c) (intro.) If at any time after a birth record is filed for a registrant

6　under this subsection a birth record filed for the registrant at the time of birth of

7　the registrant is found or the registrant is adopted and the adoptive parents sign a

8　birth record giving their names as the adoptive parents, the state registrar shall

9　impound the birth record filed under this subsection and prohibit access thereto,

10　except ~~by~~ under any of the following circumstances:

11　1. In response to a court order ~~or except by.~~

12　2. To the state registrar for processing purposes.

13　**SECTION 6.** 69.14 (3) (c) 3. of the statutes is created to read:

14　69.14 **(3)** (c) 3. When providing an uncertified copy of the impounded birth

15　record to the registrant in accordance with s. 69.21 (2) (bm).

16　**SECTION 7.** 69.15 (6) (b) of the statutes is renumbered 69.15 (6) (b) (intro.) and

17　amended to read:

18　69.15 **(6)** (b) (intro.) The state registrar shall register a new record created

19　under this section and shall impound the original record or the record registered

20　under sub. (5) and all correspondence, affidavits, court orders and other related

21　materials and prohibit access thereto, except ~~by~~ under any of the following

22　circumstances:

23　1. In response to a court order ~~or except by.~~

1   2. To the state registrar for processing purposes ~~or except when~~.

2   3. When a disclosure is authorized under ~~ss.~~ s. 48.432 ~~and 48.433~~.

3   (bm) The state registrar shall send notice of any new record registered under

4   this section to the local registrar who filed the original record. Upon notification,

5   the local registrar shall destroy his or her copy of the original record.

6   **SECTION 8.** 69.15 (6) (b) 4. of the statutes is created to read:

7   69.15 **(6)** (b) 4. When providing an uncertified copy of the impounded birth

8   record to the registrant in accordance with s. 69.21 (2) (bm).

9   **SECTION 9.** 69.21 (2) (bm) of the statutes is created to read:

10   69.21 **(2)** (bm) 1. If a registrant is 18 years of age or older and is the subject of

11   a birth record that was impounded under s. 69.14 (3) (c) or 69.15 (6) (b), the state

12   registrar shall, upon request by the registrant, provide the registrant with

13   unrestricted access to the registrant's unaltered birth record impounded under s.

14   69.14 (3) (c) or 69.15 (6) (b) and issue to the registrant an uncertified copy of the

15   registrant's unaltered birth record impounded under s. 69.14 (3) (c) or 69.15 (6) (b).

16   2. When issuing an uncertified copy of a birth record to a registrant under

17   subd. 1., the state registrar shall inform the registrant of the provisions of ss.

18   48.432 and 48.433.

19   **SECTION 10.** 69.22 (1) (b) of the statutes is amended to read:

20   69.22 **(1)** (b) Except as provided under par. (c), $20 for issuing an uncertified

21   copy of a vital record issued under s. 69.21 (2) (a) ~~or~~, (b), or (bm), $7 for verifying

22   information about the event submitted by a requester without issuance of a copy,

23   and $3 for any additional copy of the same vital record issued at the same time.

1   **SECTION 11. Initial applicability.**

2   (1) The treatment of ss. 69.21 (2) (bm) and 69.22 (1) (b), the renumbering and

3 amendment of ss. 69.14 (3) (c) and 69.15 (6) (b), and the creation of ss. 69.14 (3) (c)

4 3. and 69.15 (6) (b) 4. first apply to a request made for an uncertified copy of an

5 impounded birth record on the effective date of this subsection.

6   **(END)**