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**ROBERT L. COWLES**

Wisconsin State Senator  
2nd Senate District

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Audit Committee, Co-Chair

## Testimony on 2021 Senate Bill 524

Senator Robert Cowles

Senate Committee on Transportation and Local Government

September 22nd, 2021

Thank you, Chairman Petrowski and Committee Members, for holding a hearing and allowing me to testify on 2021 Senate Bill 524. This bill makes it easier for certain adoptees to access their original birth records.

In recent years, the popularity of genealogy research and growing accessibility of ancestry records has caused more and more people to seek information about the generations that came before them. However, for Wisconsinites who were adopted, learning about their past can often be much more difficult. Even if their birth parents are deceased, adopted Wisconsin adults may have to receive approval from the state court system to simply access an original copy of their birth certificate or information about their birth parent or parents.

Typically, the Department of Children and Families (DCF) – through the Adoption Record Search Program run by DCF under current law where adoption records are retained – may only release the records if an affidavit from each known birth parent is filed that grants the disclosure of this information. Short of that affidavit, an adoptee must seek access to the records from the courts which will typically only provide a copy of the birth certificate or records of the adoptee's biological parents if 'good cause' is shown by the petitioner.

2021 Senate Bill 524 allows DCF to release the original birth certificate and any information available on the birth parents to the requesting Wisconsin adult if the known birth parent or parents are deceased. This bill makes no changes to current law if one or both of the birth parents are still alive, meaning that the adoptee would have to use the system under current law that requires a court order for the release of this information.

Access to this birth information allows adoptees to learn about where they're from and provides a connection to their genealogical past. This simple change saves those Wisconsinites the hassle, expense, and time of petitioning the court system while still protecting the privacy of birth parents through the entirety of their lifespan. Senate Bill 524 was introduced after a constituent of the 2nd Senate District, who works professionally in the genealogy field, brought this issue to our attention. DCF was consulted in the drafting process.



# DAVID STEFFEN

STATE REPRESENTATIVE • 4<sup>TH</sup> ASSEMBLY DISTRICT

September 22, 2021

## **Testimony to the Senate Committee on Transportation and Local Government on Senate Bill 524**

Chairman Petrowski and Committee Members,

Thank you for the opportunity to testify in favor of Senate Bill 524 relating to access to a deceased adoptee's original birth certificate and information about birth parents by an adult child of the adoptee.

The importance of family has always been at the forefront of our society, but for Wisconsinites who were adopted, learning about their biological history can be a challenge. If their birth parents are deceased, adopted Wisconsin adults may have to receive approval from the state court system to simply access an original copy of their birth certificate.

This bill would allow the Department of Children and Families (DCF) – though the Adoption Search Program run by DCF under current law – to release the original birth certificate and any information available on the birth parents to the requesting Wisconsin adult if the birth parent or parents are deceased. This bill makes no changes to current law if one or both of the birth parents are still alive.

This simple change saves Wisconsinites who are trying to learn more about their past the hassle, expense, and time of petitioning the court system while still protecting the privacy of birth parents throughout their lifespan. SB 524 is being circulated after a constituent of the 2nd Senate District and 4<sup>th</sup> Assembly District, who works professionally in the genealogy field, brought this issue to our attention. Additionally, DCF was consulted throughout the drafting process and is supportive of the bill.

Thank you for the opportunity to speak in favor of this bill I encourage you to join me in supporting this legislation.



**TO:** Chair Petrowski, Vice-Chair Cowles, and Honorable Members of the Senate  
Committee on Transportation and Local Government

**FROM:** Amanda Merkwae, Legislative Advisor

**DATE:** September 22, 2021

**SUBJECT:** 2021 Senate Bill 524

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Thank you for the opportunity to provide testimony on Senate Bill 524. The Department of Children and Families (DCF) is testifying in support of this bill.

Wisconsin has embraced, as a long-standing principle, balancing the value to an adult adoptee in knowing their biological background for medical, social, cultural, and emotional reasons, with the right to privacy for a birth parent. This principle underlies Wisconsin's current Adoption Records Search Program which is governed by Wis. Stat. §§ 48.432 and 48.433 and administered by DCF. The primary purpose of this program is to help individuals who have been adopted or whose birth parents have terminated their parental rights to obtain information about themselves and their birth relatives. The program can also be accessed by certain other individuals enumerated in the statute; however, the information that can be released to an eligible requester other than an adult adoptee is limited to non-identifying medical and genetic information.

Under the current Adoption Records Search Program, an adult adoptee at age 18 or older can request from DCF social history information, medical and genetic information about birth parents and family members, and the identity of birth parents. DCF discloses the identity of the birth parents to the adult adoptee only if the birth parents provide written consent or the birth parents are deceased. If the birth parents do not consent to disclosure of identity, DCF provides the adult adoptee medical, genetic, and social history information in a non-identifying manner (i.e., with the birth parent name(s) redacted). The only instance in which an adoptee cannot access the original birth certificate is when a living birth parent does not provide consent.

In response to the evolution of DNA technology and a rising interest in genealogy and related records, the Wisconsin Adoption Records Search Program has seen a rise in the volume of requests from the offspring of adoptees looking for information on the adoptee's birth family. SB-524 provides an avenue for an adult child of a person whose birth parents' parental rights have been terminated in this state (offspring) to request DCF to provide the offspring with the original birth certificate of the offspring's parent and any information that is available to DCF regarding the identity of the birth parents of the offspring's parent. If the offspring's parent and both birth parents of the offspring's parent are deceased, regardless of whether either birth parent has filed an affidavit, under this bill DCF would be required to disclose the requested information.

The department recognizes the value to adult adoptees and their offspring of knowing one's birth and adoption history for medical, social, cultural, and emotional reasons. The department also recognizes the confidentiality protections that were extended to birth parents under current law at the time the child was placed for adoption. Ultimately, SB-524 balances the interests of all stakeholders, provides streamlined access to information for Wisconsin citizens, and supports Wisconsin children and families to pursue fulfilling and healthy lives.

Thank you for the opportunity to testify regarding this legislation.