



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

Section 1. 69.15(2)(c) of the statutes is amended to read:

(c) If the state registrar determines that the registrant of a birth record was adopted without a change in the registrant's birth record under par. (a) or (b), the state registrar shall obtain a copy of the court order which provided for the adoption, if available, and shall prepare, under sub. (6), a new record for the registrant, unless the adoptive parents or the subject of the adoption requests, under s. 48.94 (1), that no new record be prepared.

Section 2. 69.15 (6)(b) of the statutes is amended to read:

(b) The state registrar shall register a new record created under this section and shall impound the original record or the record registered under sub. (5) and all correspondence, affidavits, court orders and other related materials and prohibit access except by a person who meets the requirements of sec. 69.155, by court order, ~~or except by~~ the state registrar for processing purposes or except when authorized under ss. 48.432 and 48.433. The state registrar shall send notice of any new record registered under this section to the local registrar who filed the original record. Upon receipt of the copy, the local registrar shall destroy his or her copy of the original record.

(c) If the state registrar changes a birth record on file or registered under this section instead of preparing a new record, the state registrar shall make the change under s. 69.11 (5).

Section 3. 69.155 of the statutes is created to read:

69.155. Adopted Person Request for Original Birth Record

(a) A person 18 years of age or older who was born in Wisconsin and who had a new birth record created pursuant to s. 69.15 (2)(a), may, upon written request, receive from the state registrar a copy of the original birth record and any evidence of the adoption held with the original record. The copy of the original birth record shall be in a form that clearly indicates that it may not be used for legal purposes. All procedures, fees, and waiting periods applicable to

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non-adopted persons born in the state of Wisconsin who seek copies of certificates of birth shall apply.

(b) If a person authorized to obtain a copy of the original birth record in subsection (a) is deceased, that person's direct line descendants or that person's lawful representative may request and obtain a copy of the original birth record under subsection (a), so long as the person requesting the record is also at least 18 years of age.

Section 4. 48.433 of the statutes is amended to read:

(1) In this section:

(a) "Agency" has the meaning given under s. 48.432 (1) (ag).

(b) "Birth parent" has the meaning given under s. 48.432 (1) (am).

(c) "Identifying information" means the full name, date of birth, place of birth, and last known address of a person.

(2) 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 file with the department, or agency contracted with under sub. (11), an affidavit authorizing the department or agency to provide the child with ~~his or her original birth certificate and with any other~~ available **identifying** information about the birth parent's ~~identity and location~~. An affidavit filed under this subsection may be revoked at any time by notifying the department or agency in writing.

(3) 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 request the department, or agency contracted with under sub. (11), to provide the person with ~~the following:~~

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~~(a) The person's original birth certificate.~~

~~(b) Any available **identifying** information about regarding the identity and location of his or her birth parents.~~

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

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identification.

(5) The department, or agency contracted with under sub. (11), shall disclose the requested identifying information for a birth parent who has filed an unrevoked affidavit pursuant to sub. (2). ~~in either of the following circumstances:~~

(6) (a) If the department, or agency contracted with under sub. (11), does not have on file an affidavit from a ~~each~~ known birth parent, it shall, within 3 months after the date of the original request for identifying information, undertake a diligent search for the ~~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 provided under sub. (5), the department or agency is not required to conduct a search.~~

(c) Employees of the department and any agency conducting a search under this subsection may not inform any person other than the birth parents of the purpose of the search.

(d) The department, or agency contracted with under sub. (11), shall charge the requester a reasonable fee for the cost of the search. When the department or agency determines that the fee will exceed \$100 for either birth parent, it shall notify the requester. No fee in excess of \$100 per birth parent may be charged unless the requester, after receiving notification under this paragraph, has given consent to proceed with the search.

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

1. The nature of the information requested.
2. The date of the request.
3. The fact that the birth parent may ~~has the right to~~ file with the department the affidavit under sub. (2).

(b) Within 3 working days after contacting a birth parent, the department, or agency contracted with under sub. (11), shall send the birth parent a written copy of the information specified under par.

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(a) and a blank copy of the affidavit.

(c) If the birth parent files the affidavit, the department, or agency contracted with under sub. (11), shall disclose the requested **identifying** information ~~if permitted under sub. (5).~~

(d) If the department or an agency has contacted a birth parent under this subsection, and the birth parent does not file the affidavit, the department may not disclose the requested **identifying** information.

(e) If, after a search under this subsection, a known birth parent cannot be located, the department, or agency contracted with under sub. (11), may disclose the requested **identifying** information if the other birth parent has filed an unrevoked affidavit under sub. (2).

(f) The department or agency conducting a search under this subsection may not contact a birth parent again on behalf of the same requester until at least 12 months after the date of the previous contact. Further contacts with a birth parent under this subsection on behalf of the same requester may be made only if 5 years have elapsed since the date of the last contact.

(8) (a) If a birth parent 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 **identifying information of the deceased birth parent.** ~~identity of the deceased parent, if not already known to the requester. 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).~~

~~(b) If a birth parent 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.~~

(8m) ~~T~~~~if~~ the department, or agency contracted with under sub. (11), ~~may~~

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~~not disclose the information requested under this section, it shall~~ provide the requester with any nonidentifying social history information about either of the birth parents that it has on file.

(8r) (a) In this subsection, "birth parent" has the meaning given in s. 48.432 (1) (am) and includes any 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 **identifying** 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 **identifying** 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 **identifying** 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 **identifying information** ~~the identity or location of~~ a birth parent other than the birth parent requesting the information.

(9) The requester may petition the circuit court to order the department or agency designated by the department to disclose any information that may not be disclosed under this section. The court shall grant the petition for good cause shown.

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(10) Any person, including this state or any political subdivision of this state, who participates in good faith in any requirement of this section shall have immunity from any liability, civil or criminal, that results from his or her actions. In any proceeding, civil or criminal, the good faith of any person participating in the requirements of this section shall be presumed.

(11) The department shall promulgate rules to implement this section and may contract with an agency to administer this section.