



# TODD NOVAK

STATE REPRESENTATIVE • 51<sup>ST</sup> ASSEMBLY DISTRICT

(608) 266-7502  
Toll-Free: (888) 534-0051  
Rep.Novak@legis.wi.gov

P.O. Box 8953  
Madison, WI 53708-8953

## Assembly Bill 513/Senate Bill 386

### Committee on Children and Families

Thank you Chair Rodriguez and members of the committee for holding a public hearing today on Assembly Bill 513. November was proclaimed Adoption Month in Wisconsin, and as a proud parent of two adopted sons I'm proud to sponsor this bill. This bill makes a number of changes to update current law and increase access to information sharing between adoptees and birth parents.

Wisconsin's adoption record search program was created in May of 1982. It was a **grassroots effort** by adoptees, adoptive parents and birth parents who wanted to create a respectful process for information sharing and reunion. The program maintains information on all children adopted in the State of Wisconsin and links the original birth certificate to the closed adoption record. The program's application process protects our adoptees from exploitation by private for profit internet entities. The program receives over **400** outreach requests each year.

This bill makes four changes to the current law:

1. **Allow the release of a birth parent's identifying information when that birth parent is known to be deceased** and it does not breach the confidentiality of another legally identified birth parent.

A recent female adoptee applied to the program with a request for updated health history and reunion. It was discovered that her birth mother died very young from "ovarian cancer". The adoptee was provided with non-identifying information from her adoption file, but had to petition the circuit court in her county to have our program court ordered to release her deceased birth mother's identity so that she could pursue obtaining more family health history.

2. **Removes requirement for an eligible requester to obtain a letter from a physician in order to request updated medical/genetic information.**

Often clients do not have health insurance and cannot afford to make an appointment with a physician to simply get a letter stating that it would be beneficial to obtain updated health history.

3. **Allow an adult adoptee to file an affidavit that would allow the Adoption Search Program to release his or her identifying information to their birth parent** upon the parent's request as long as it does not breach the confidentiality of another legally identified birth parent.

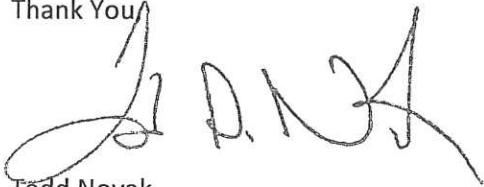
A birth mother desperately wished to be able to contact the adoptee but feared her husband's reaction and did not want her address or telephone number released-she asked if she could have the adoptee's name and phone number and make contact herself-the adoptee was very willing to do so, but there is no legal option for our program to currently do so. The proposed legislation would allow an adoptee to file permission to release his/her contact information to the birth parent.

4. **Allow a parent or guardian of a minor offspring of a deceased adoptee to request medical/genetic information.**

Children of an adoptee must be 18 or older in order to be eligible to request medical/genetic and social history information from the Program. We have had several situations in which the minor offspring of an adoptee has a genetic medical condition and the adoptee is deceased. The deceased adoptee's spouse was unable to request the adoption record or an outreach to birth parents for updated family health history.

Last year from adult adoptees for birth parent information, approximately 50 requests involved deceased parents. As a result, these 50 individuals were not able to obtain family and medical information that was important to them. The proposed changes will respond to the interests and needs of adult adoptees while still protecting the rights of living biological parents who want to preserve their confidentiality.

Thank You

A handwritten signature in black ink, appearing to read 'T. Novak', written over the printed name.

Todd Novak  
State Representative  
51<sup>st</sup> Assembly District



201 East Washington Avenue, Room G200  
P.O. Box 8916  
Madison, WI 53708-8916  
Telephone: 608-266-8684  
Fax: 608-261-6972

Governor Scott Walker  
Secretary Eloise Anderson

Secretary's Office

---

Date: December 9, 2015  
To: Members of the Assembly Committee on Children and Families  
From: Ron Hermes, Director, Bureau of Permanence and Out-of-Home Care  
Re: Department Position on AB 513 – In Support

---

Representative Rodriguez and Assembly Committee on Children and Families,

Thank you for the opportunity to testify on AB 513. My name is Ron Hermes and I am the Director of the Bureau of Permanence and Out-of-Home Care at the Wisconsin Department of Children and Families (DCF). The Department supports AB513.

AB 513 proposes changes that reflect feedback from adult adoptees and birth parents regarding the current DCF Adoption Records Search Program. This bill responds to the interests and needs of adult adoptees while still protecting the rights of living birth parents who wish to preserve their confidentiality.

The Department's Adoption Records Search Program receives approximately 400 contacts each year from Wisconsin adult adoptees. Through this program, adult adoptees may request that the Department contact their birth parents to obtain updated family health history information and the identity of birth parents. If consent is given by the birth parent, the adoptee's original birth certificate may also be released.

Under current law, the identity of a deceased birth parent or updated family medical history may not be released without a court order when the birth parent is deceased. This bill removes the need for a court order and permits the release of a birth parent's identifying information when that birth parent is known to be deceased and the confidentiality of another legally identified birth parent can be maintained. By making this change, adult adoptees will be able to obtain updated family health and social information, which may be important for the adult adoptee's physical well-being or sense of identity, without the burden of petitioning a circuit court.

Current law requires adult adoptees and other eligible requesters to provide a letter from a licensed physician stating a specific need for updated family health history for genetic reasons. Many adoptees and health care providers find this unnecessarily restrictive. As a second change, this bill eliminates the requirement for an eligible requester to obtain a letter from a physician in order to request updated medical/genetic information.

As a third change, the bill creates a new provision which allows an adult adoptee to file an affidavit permitting the Adoption Search Program to release his or her identifying information to a birth parent. A birth parent may not wish to be contacted "out-of-the-blue" by their child, but may instead wish to initiate contact with their child at a time and in a way they find comfortable.

This provision provides birth parents the ability to contact their birth child when they are ready and fully prepared to do so.

Currently, a minor child of a deceased adoptee does not have the ability to obtain birth family medical or genetic information through the Adoption Search Program. The fourth change in the bill permits a parent or guardian of a minor child of a deceased adoptee to request medical or genetic information through the program.

In sum, Assembly Bill 513 represents a thoughtful response to changing certain limitations for the exchange of family medical, genetic and personal identifying information between birth parents and a child that was adopted.

The search and reunion process can be a complicated emotional journey for both the adoptee and the birth parent. Currently, about 40% of birth parents contacted do not wish to have their identities released. The vast majority of adult adoptees utilizing the Search Program are sensitive to their birth parents' privacy and want them treated with respect and understanding. The proposed legislative changes to Wisconsin's Adoption Record Search Program moves our state towards increased openness and information sharing while maintaining a high degree of dignity and respect for both the adult adoptee and birth parents.

The Department thanks Representative Novak and Senator Olsen for authoring this bill and thanks the Chair for holding a hearing. We thank the Committee for your consideration of the Department's comments and appreciate the Committee's commitment to support positive outcomes for vulnerable children and families in our state. I am pleased to answer any of your questions.