

PAUL TITTL

STATE REPRESENTATIVE • 25TH ASSEMBLY DISTRICT

Assembly Committee on Children and Families
Assembly Bill 502
January 26, 2022

First of all, thank you Chairman Snyder and committee members for allowing me to testify before you today concerning Assembly Bill 502.

This bill allows adopted children who have attained the age of 18 the right to obtain a copy of their original, unaltered birth certificate.

In 1929 Wisconsin closed adoption records so birth parents would not interfere with the new relationship between the adopting parents and the adopted child. The records were never impounded to protect the anonymity of the birth parents.

Many other states also closed their records. However, in the last twenty years several states have opened their adoption records, removing the secrecy. The results have been very positive. For example, after New Hampshire changed its adoption laws, 1,760 adoptees requested birth certificates from December 2004 through December 2015, and only 13 birth parents filled out forms saying they did not want to be contacted by the child they gave up for adoption.

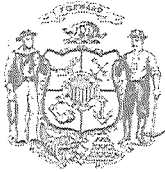
Under the current law a person 18 years of age or over whose birth parents' rights have been terminated or who was the subject of a consent adoption may request the Department of Children and Families (DCF) to provide his or her original birth certificate and any information that is available to DCF regarding the identity and location of the person's birth parents.

If both parents are living, DCF may disclose the requested information only if DCF has on file an unrevoked affidavit from each known birth parent authorizing DCF to disclose that information or if a known birth parent cannot be located after DCF conducts a search and the other parent has filed an unrevoked affidavit authorizing disclosure. If a birth parent who has not filed an affidavit is known to be deceased, DCF must inform the requester that the birth parent is deceased and provide the requester with the identity of the deceased birth parent. If both birth parents are deceased, DCF must provide the requester with his or her original birth certificate.

As chair of the Assembly Committee on Mental Health, I am especially concerned about the mental health struggles many adoptees face as they deal with the secrecy concerning the names of their birth parents. This bill could provide them a measure of relief. (see attached quote from the Donaldson Adoption Institute).

Finally, the bill does not open these records to the public, only to adoptees who request their certificate. It's time for us to change the current policy of secrecy and instead favor truth and transparency in adoption.

Thank you for this opportunity to testify before you today. I would be happy to take any questions.



ANDRÉ JACQUE

STATE SENATOR • 1ST SENATE DISTRICT

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Madison, WI 53707-7882

*Testimony before the Assembly Committee on Children and Families
State Senator André Jacque
January 26, 2022*

Chair Snyder and Members of the Assembly Committee on Children and Families,

I'm pleased to join Rep. Tittl and many adult adoptees and advocates in bringing forward Assembly Bill 502 for this hearing today. This legislation allows adopted children who have attained the age of 18 the right to obtain a copy of the Report of Adoption, which would enable them to learn the names of their birth parents and thus an important piece of their history.

Under current law, adoptees are able to access that information only if both birth parents have filed forms with the state granting permission. If one of the birth parents has died without granting permission, adopted children will never be able to learn the names.

The stigma associated with adoption has changed dramatically over the last fifty years, and a number of states have changed their laws and now allow adult adoptees to learn the names of their birth parents. It's time for Wisconsin to change as well.

After Rhode Island and New Hampshire changed their adoption laws, subsequent records showed that 95% of birth parents who had placed their children up for adoption later hoped their children would contact them.

Barring access to one's personal information raises significant civil rights concerns, and the US Supreme Court has ruled an adoptee's right to know overrides the right of a birth parent to remain anonymous.

Thank you for your consideration of Assembly Bill 502.

AB 502 Testimony – 01/26/2022

David B. Bohl

Chairman Snyder and Members of the Committee Children and Families,

My name is David Bohl. I am a Wisconsin resident of Walworth County, an addiction and recovery professional, and a Wisconsin adoptee who was raised by caring adoptive parents and has connected with my birth family. I am here representing myself as an adopted citizen of Wisconsin, as well as a member of the Coalition for Truth and Transparency in Adoption. Thank you for this opportunity to testify on the bill.

I support the bill as introduced and do have a copy of my once-impounded original birth certificate. I was able to obtain this birth certificate for two reasons:

1. Because I had the financial resources to hire an attorney and petition the Wisconsin court for this information based on medical necessity, and
2. Because both of my biological parents were dead at the time I made the petition.

It has been very powerful and meaningful for me to have a copy of a "source document" that contains biological family names and information, more than we have time for me to describe today.

Imagine if the law requires you, as a non-adopted citizen, to get a court order and/or the permission of both your parents in order to research your own genealogy.

This is the reality that Wisconsin adoptees live in today.

This bill would make a procedural change that would correct current laws which are unjust, outdated and rooted in shame and secrecy by:

- streamlining the process for adult adoptees to obtain information about their history
- promoting truth and transparency in adoption,
- balancing the interests of the parties, and
- aligning the law with the modern reality that, because of today's burgeoning availability of consumer DNA testing, sealed records are now

essentially moot in terms of keeping adoptees from knowing who their biological kin are. In fact, release of information to the adult adoptee now offers a more discreet way of contacting genetic family members, rather than moving sideways through several sets of cousins.

It is my understanding that Elizabeth Samuels, adoption law expert and Baltimore University Law Professor, has provided the Committee with written testimony regarding her research into relinquishment documents signed by women during the last half of the 20th century. Ultimately, this research confirms that, though confidentiality from the general public is vital in adoption, no written document has been produced guaranteeing a birth/first parent anonymity from their own offspring.

Additionally, higher courts in Oregon and Tennessee have ruled that, because a birth parent does not have a fundamental right to have their child adopted, they cannot have a correlative fundamental right to have the child adopted under circumstances that guarantee anonymity from their own offspring, even if they do not desire contact.

This bill reflects a national trend toward balancing the interests of the parties. Although previous testimony offered today suggests that the current law is already the right balance of interest, let me assure you that it is not. Allow me to contrast “not balanced” against “balanced”.

Balanced DOES NOT: Compel adoptees, unlike non-adopted adults, to obtain a costly court order or permission to see their Original Birth Certificate (OBC) via a third party.

Balanced DOES NOT: Continue a mandate that a state agency oversee, screen, and in effect, “nanny” adults, sending a message that we are incapable of responsibly and tactfully handling the information contained on our OBCs.

Balanced DOES NOT: Deny one group of adults access to the same simple process available to all other adults, simply on the basis that they were relinquished and adopted.

Balance DOES: Allow and empower adult citizens to choose - but not force them - to seek assistance from a third party in facilitating a search and connection with ancestors and birth relatives.

Balance DOES: Establish a system that recognizes Adoptees as adults rather than minor citizens shrouded in shame and secrecy of the past.

Balance DOES: Facilitate full integration of adoptees into society.

At the time laws like these were initially enacted, we didn't know that some 6000 genetically linked diseases would be discovered. The intent was to help stabilize the adoptive family, but legislators overlooked the reality that adopted children grow up to become adults who deserve and need the same access to information about themselves as all other non-adopted citizens.

11 states have already provided full unrestricted access to OBCs, and some 29 have taken steps in this direction:

- Kansas and Alaska never sealed OBCs from adult adoptees.
 - Since 1995, nine more states (AL, CO, CT, HI, ME, NH, NY, OR, RI) have retroactively provided unfettered access to adult adoptees in model legislation, balancing interests of birth parents via an optional Contact Preference Form.
- A total 29 states* have enacted a variety of new laws to increase access to an estimated 2.5 to 3 million files. This is a growing national trend.
 - *AL, AR, AZ, CO, CT, DE, HI, IA, IL, IN, MA, MD, ME, MI, MN, MO, MT, NE, NH, NJ, NY, OH, OR, PA, RI, SD, TN, WA, WI

There are several national organizations supporting this legislation. They include:

- Academy of Adoption and Assisted Reproduction Attorneys
 - ...“The benefits of openness in adoption for all members of the adoption triad are recognized by adoption professionals and the adoption community; and
 - The social norms which previously supported closed record laws have evolved and are no longer consistent with prioritizing the confidentiality of adoption records over the expressed need or desire of adopted persons to access their adoption records.
 - THEREFORE IT IS RESOLVED that the Academy of Adoption and Assisted Reproduction Attorneys supports the inherent rights of adult adopted persons to their personal biological family information and to have access to their:

- Original birth certificates;
 - Agency records which relate to them and their biological family; and
 - Court records of their adoption.
- IT IS FURTHER RESOLVED that the Academy of Adoption and Assisted Reproduction Attorneys supports the inherent right of adult adopted persons to access and obtain these records regardless of when their adoption occurred.”
- Child Welfare League of America
 - Concerned United Birthparents (CUB)
 - National Association of Social Workers
 - National Foster Parent Association
 - North American Council on Adoptable Children (NACAC)

It is my understanding that Rep. Tittl may will be offering an amendment to include a CPF, a non-binding, advisory-only Contact Preference form to be sure that mothers/named parents who wish to voice a preference regarding contact (but not release of the document) may do so. I would support this amendment if necessary to pass the bill.

This bill also addresses the question - not of *whether* adult adoptees can have access to information - but rather “how difficult do we want to make it for adoptees to obtain information documents about themselves and their own history?”

This bill represents a significant policy shift that is long overdue and consistent with nationally recognized best practices. It will help to move Wisconsin from adoption policy rooted in shame and secrecy to truth and transparency. I ask for your "yes" vote on AB 502.

Thank you again for this opportunity to speak in support of this bill.
I welcome any questions from the committee.

OREGON

993 P.2d 822 (1999)
164 Or. App. 543

Jane DOES 1, 2, 3, 4, 5, 6, and 7, Appellants,

v.

The STATE of Oregon; John A. Kitzhaber, Governor of Oregon; and
Edward Johnson, State Registrar of the Center for Health Statistics in Oregon, Respondents, and
Helen Hill, Curtis Endicott, Susan Updyke; and the Oregon Adoptive Rights Association, Intervenors-Respondents.

(98C-20424; CA A107235)

Court of Appeals of Oregon.

Argued and Submitted November 22, 1999.
Decided December 29, 1999.

TENNESSEE

Supreme Court of Tennessee, at Nashville.

Promise DOE, et al., Appellees, v. Donald SUNDQUIST, et al., Appellants.

Decided: September 27, 1999

CHILDREN & THE LAW SECTION

To: Assembly Children and Families Committee Members
From: Children and the Law Section, State Bar of Wisconsin
Date: January 26, 2022
Re: Opposition to AB 502 – adult adoptee access to birth certificates

The State Bar of Wisconsin's Children and the Law Section opposes AB 502, which would allow adopted children to access their original birth certificate once they have reached adulthood.

The Section believes that the proposed legislation is unnecessary as provisions already allow adult adoptees the opportunity to access information about their birth parents if the birth parents have authorized this release. Current statutes require birth parents to provide medical and genetic information to the court at the time their parental rights are terminated. Additionally, at termination or any time thereafter birth parents may file an affidavit with the Department of Children and Families that allows the Department to provide information about the birth parents and the impounded birth certificate to the adoptee once they reach adulthood. Finally, the Department, through the Adoption Search Program, may attempt to contact the birth parents to obtain permission to share their identity with the adopted child or to request additional genetic or medical information.

The section has further concerns because it is not uncommon for birth parents to wish to remain anonymous at the time of the termination of parental rights. This decision may be due to the circumstances of the pregnancy – which may be the result of sexual assault, incest, addiction, or sex trafficking. If a birth mother cannot be assured that her anonymity may be respected by the court because of this legislation, it could have a chilling effect on voluntary terminations of parental rights and placements for adoption.

In addition, while some adult adoptees may believe that discovering their birth parents and understanding their origin may positively impact their mental health, it is entirely possible for the reverse to occur. Discovering they are the result of a sexual assault or incest outside a therapeutic environment may actually destabilize an adoptee's mental health.

Finally, the Section believes the scope of this legislation is problematic. It seeks to make *all* birth records available to any adult adopted child. Birth parents who placed their children for adoption decades ago would no longer be able to rely on the assurance of their anonymity, an expectation they had at the time of adoption. Birth parents may not be aware of the legislation and could be caught off guard by an adult adopted child seeking them out. This could result in further emotional anguish for an adult adoptee, rather than the healing that is envisioned by this legislation.

For these reasons, the Children and the Law section of the State Bar of Wisconsin opposes AB 502.

If you have questions or concerns, please do not hesitate to contact our lobbyist, Lynne Davis, ldavis@wisbar.org or 608-852-3603.

The State Bar of Wisconsin establishes and maintains sections for carrying on the work of the association, each within its proper field of study defined in its bylaws. Each section consists of members who voluntarily enroll in the section because of a special interest in the particular field of law to which the section is dedicated. Section positions are taken on behalf of the section only.

The views expressed on this issue have not been approved by the Board of Governors of the State Bar of Wisconsin and are not the views of the State Bar as a whole. These views are those of the Section alone.



STATE BAR OF WISCONSIN

Dear Representative Snyder,

This is the testimony I plan to give with regard to Assembly Bill 502:

Good morning. My name is AnneMarie Swanson. I was born here in Dane County, was adopted in Eau Claire County, and lived in Eau Claire and Chippewa Counties for five decades. I moved back to Dane County in 2020.

I am a 60 year old adoptee in reunion with both my birth mother and birth father's side of my family.

Being an adoptee has shaped my life in many ways. Please understand, I am thankful that I was placed in truly, a much better home than I would have been raised in with my birth mother as far as socio-economic advantages and a stable home. Most certainly, my life experience was very different in my adoptive home than what it would have been had I been raised by my birth mother, step father, and with my three half siblings and my dear grandmother.

One of the key components in helping adoptees feel connected to our truth, and helping us adjust and feel whole and complete as individuals, is having concrete facts about where we were born, who gave birth to us, and what our lineage is. These small pieces of truth help us feel connected to what our reality is.

My life's work has been that of a Hospice Chaplain. In more than one poignant situation, I have had the privilege to walk with more than one adoptee and birth mother who were facing the end of their lives. It has universally been my experience in speaking with these individuals that all they hope for is the truth; the adoptees in gaining a greater understanding of themselves, and the birth mothers; in knowing that the child they relinquished has had a decent and good life, and that they made the best decision for that child that they could.

More than 30 years ago, I testified in favor of open records laws that were proposed by Senator Fred Risser in this same building. We adoptees have waited long enough. 11 other states have changed their laws so that adoptees can receive their original birth certificates. As our state motto proclaims, Wisconsin can move "Forward" and become the twelfth state to grant this privilege to adult adoptees.

I respectfully ask that you vote in favor of the passage of this bill. Help create for us adoptees, a greater understanding of what our truth is. Allow us to have the right to receive the respect and dignity that this information provides us and that is so vital to our well being.

Thank you for being here today. I would be happy to answer any questions you might have at this time.

AnneMarie Swanson



Adoptee Rights Law Center

TESTIMONY OF JANUARY 26, 2022: WISCONSIN AB502

THANK YOU CHAIRMAN SNYDER AND MEMBERS OF THE COMMITTEE:

I appreciate the opportunity to speak in support of Assembly Bill 502.

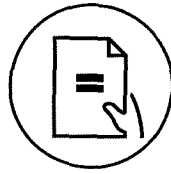
My name is Gregory Luce. I am an attorney and the founder of Adoptee Rights Law Center. I have represented and advised hundreds of adopted people across the country on issues involving identity documents, birth records, and US citizenship. I am considered a national expert on the issue before you today.

I feel that three issues that are critical to this hearing today.

1. WHAT IS THIS ABOUT?
2. WHO DO WE TRUST?
3. AND WHAT DOES IT MEAN WHEN WE DON'T TRUST ADOPTED PEOPLE LIKE ME?

This issue, at its core, is about this single piece of paper right here.

This is my original birth certificate, which I received a little more than year ago after a twenty year effort to get it, five years of which were spent in court. And I only got this recently even though I knew for those twenty years every person who was on this piece of paper. I was there holding my



birthmother's hand when she took her last breath, yet I still could not obtain the record showing that I was born to her nearly 57 years ago.

For the last twenty years thousands of adopted people in Alabama have requested their original birth records, paid a small fee, and in a few weeks they receive a copy their original birth record in the mail. More than 20,000 New York adoptees have requested their original birth records---20,000 people in the past two years---and they are receiving them as we speak, again after paying a fee and waiting for the certificate to come in the mail. Connecticut is the same, and in Oregon more than 12,000 adopted people have received their original birth records over the last twenty years, without restriction or any reported incident. They fill out a form, pay a fee, and it arrives. Needless to say, Alaska and Kansas have always done this. And with all these states no known issues have been reported other than---with COVID-- how long it is taking to get your birth record in the mail. That is generally the only complaint.

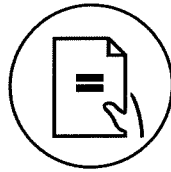
These laws work. They are necessary laws because they are about the autonomy and freedom of adopted people like myself. In restoring that autonomy and freedom to possess your own birth information, the world has



not fallen apart, adoption has not suffered, and lives have not been ruined because of this piece of truth. At most, there has been relief that the myths, the secrets, and the shame that was embedded into adoptions long ago is finally being addressed truthfully and fully and in a way that humans and citizens are trusted to handle---themselves. That is, the people involved in this issue are able to put it to rest, honestly, and without creating and protecting state-sponsored secrets.

This issue is also about trust. It is about treating people like me or Diana as adults, not as perpetual children, who must come here year after year to beg for their own documents, many of whom already know what is on that document.

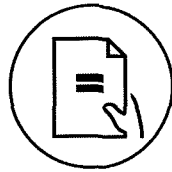
What we are talking about---what is always the elephant in the room in these hearings and I've seen and participated in many of them---is the notion that birthparents 1) do not want to be found and 2) are publicly outed once they are found. That's a false and damaging assumption and does not reflect reality. And it is most obviously laid bare by the fact that this State---its government, its agencies, its child-placing services---is obligated by law to go out and do what many people say we should never do: track down



birthparents. Current law in Wisconsin requires that whenever an adopted person requests this single piece of paper, the state goes out and tracks the listed parents down. It's what's known as Wisconsin's Adoption Search Program, and that search, that effort of the state to track birthparents down, is extensive. It is, as the vital records registrar in Minnesota once said of a very similar process, highly disruptive.

Under current law, when an adult adopted person in Wisconsin—or Minnesota for that matter—requests their own birth record, a record that states factually where they were born, to whom they were born, and verifies that birth as theirs—the state's apparatus moves into place. Current Wisconsin regulations state what an adoption search must look like. The regulations, in chapter 53 of the administrative code, state “adoption search activities shall include, but are not limited to, checking or contacting:

1. The current address on file at the department or agency;
2. Known close birth relatives who may know the location of the birth parent;
3. Directories;
4. Motor vehicle records;

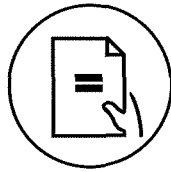


5. Marriage and death certificates;
6. The family's physician;
7. Occupational licensing records
8. Church records;
9. Public agency records;
10. Divorce records; and
11. Probate records.

In addition, and I quote "When it appears that a sought-after birth parent **has been identified and located**, the searcher shall first attempt to make contact with the birth parent by telephone. If the presumed birth parent has no telephone or cannot be contacted by telephone, the searcher shall attempt contact through either a home visit or a letter."

A home visit. To the birthparent's house. By a state or agency worker.

And yet when we as adoptees pursue one thing---this single piece of paper I am holding here that contains the facts of our own births and no one else's birth---we are told we cannot be trusted with this information. We are told that we do not deserve this information. We are told exaggerated horror stories where a person like me---like your brother or sister or

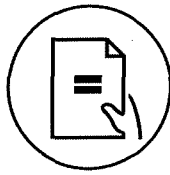


co-worker---has popped up at the door of a scared birthparent, even though a state worker is obligated by law to do that very same thing.

Given that background, let's be clear about what this issue is about. It is about CIVIL RIGHTS and the TRUST required of those who possess those rights. It is about whether you trust the adopted people in this room and across this state and the world, the six million of us here in the United States who are your brothers, nieces, uncles, bosses, employees, friends, colleagues, even your parents and grandparents. The primary question before you is not "what about birthparent privacy" but is "do you trust us WITH OUR OWN FACTUAL BIRTH INFORMATION?"

Because, rather than trust adopted people whose lived experiences establish them as the experts in navigating these issues, you trust the state of Wisconsin and the extensive apparatus it has set up---and for which we pay--to do what a single piece of paper does in its place.

We ask for the same trust you have in your fellow Wisconsites in regulating their own personal affairs. We ask that you restore a right every adopted person in the United States once had: the right to request and obtain their own original birth certificates---this single piece of paper---by



restoring to us the same procedures everyone else follows in the United States to get their own birth record---everyone except people like me.

Ultimately, and I cannot stress this enough, this is not about search. This is not about the complex apparatus the state uses to facilitate such searches, as I've illustrated in my written testimony. This is about autonomy as people and citizens, and we should be trusted like you with what we do with our own truths.

I ask for your favorable report of Assembly Bill 502 out of committee. It's far past time to get this issue right. Let's work to make all of us equal to you.

Re: Support for Wisconsin Assembly Bill 502

Dear Representative Tittl and Members of the Wisconsin Assembly Committee on Children and Families,

I write in support of Assembly Bill 502, which will provide adopted individuals with unrestricted access to their original birth records at or after age eighteen.

Wisconsin's current practice of requiring permission to be given to the adopted adult prohibits agency of your constituents who are adopted and is discriminatory. No other population of people is restricted by law from obtaining their own true record of birth.

I am adopted. In a closed adoption a replacement birth certificate is created and the original is sealed. My amended birth certificate is not a vital record accurately representing the facts of my birth and original identity. It is a post-adoption record reflecting my new parents and my new name.

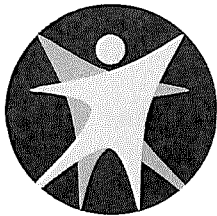
Closed-records laws imposed a very problematic identity for me. I internalized the message that my original self was a secret so bad, that it was illegal to know, so I must be a bad and shameful person. As an adult, seeking my state-sealed records, I found Wisconsin's search program to be costly, intrusive, and dehumanizing. I followed the process through to completion for my children, who wanted to petition for my original sealed records, but would have had to wait until my death to do so.

The information on my Original Birth Certificate is very meaningful to me, to my children, and to future generations. Passing this bill into law would help ensure that other adopted individuals have access to their Original Birth Certificate. This is basic, fundamental information, a vital record, that all other people can access.

Thank you for your attention and consideration. Please support Assembly Bill 502.

Sincerely,

Erika Ostern



State of Wisconsin
Department of Health Services

Tony Evers, Governor
Karen E. Timberlake, Secretary-Designee

TO: Members of the Assembly Committee on Children, and Families

FROM: HJ Waukau, Legislative Director

DATE: January 26, 2022

RE: Assembly Bill 502, relating to: access to an original impounded birth record.

Chairman Jacque and members of the Committee, thank you for the opportunity to provide written testimony for information only on Assembly Bill 502 (AB 502).

AB 502 aims to provide adopted children over the age of 18 with the right to obtain access to their original impounded birth record (certificate), along with an uncertified copy of their original record upon request. While the process of adopting a child in Wisconsin is administered by the Department of Children and Family Services, the vital records process for adopted children is administered by the Department of Health Services (DHS) and the Vital Records Office. The Wisconsin Vital Records Office is responsible for filing, preserving, protecting, changing, and issuing copies of birth certificates, death certificates, marriage certificates, divorce certificates, and records of declaration of domestic partnership and termination of domestic partnership for events that occur in Wisconsin. The provisions contained within AB 502 would make significant changes to the State's vital records process for adoptive birth records and require substantive systems updates.

Under current statute no individuals have unrestricted access to their birth record. Medical and statistical information for those not related to the individual cannot be disclosed per Wis. Stat § 69.20 (2) (a), except as provided under sub (3). Further, all birth records have been fully electronic since 1994, and neither a certified, nor uncertified copy, contains all of the data elements collected at the time of a registered birth. Because of this there is no "copy" of a birth record to alter for birth registrations after 1994. Further, there are situations where an individual may have multiple impounded records, which is unaddressed by AB 502, and could further complicate how existing records processes are administered.

Additionally, the use of the term "unaltered" in Section 6 and Section 9 of the bill raises concerns, as it does not take into account that many impounded records are amended for various reasons prior to being impounded. Such amendments and annotations can't be excluded from the birth record and could be perceived as contradictory to providing an unaltered copy of the record. As such, DHS would be unable to comply with provisions regarding instances where an amendment is applied to an impounded birth record. Not only would providing an unaltered copy be in conflict with statutory requirements under Wis. Stat § 69.11 (5) regarding amending a record, DHS's electronic registration system does not currently have a mechanism to supply a version of the record prior to an amendment being done. Updating the existing registration system to account for this change would require significant fiscal and staff expenditures.

Coincidentally, other provisions of AB 502 may unintentionally broaden prior legislative intent and increase administrative burden. Changes to Wis. Stat § 69.15 (6) under Section 7 of the bill are an unnecessary broadening of existing statute. Impounded birth records happen for a variety of reasons beyond adoptions such as removing a parent who is not biologically related to the child or registrant. The bill as drafted would apply to all scenarios for impounded birth records and not just those intended for adoptees. AB 502 would also increase administrative burden for DHS staff by requiring them to inform

registrants about statutory provisions for access to medical information and identifying information about parents. As mentioned previously, certain sections of a birth record are restricted by state statute and do not print on a certified or uncertified copy of a record. Requiring staff to provide certain information is not only burdensome, but may be in conflict with existing statutes highlighted under Wis. Stat § 69.20 (2) (a). Lastly, significant system changes would be needed in order to issue uncertified copies of impounded records under AB 502, effectively increasing administrative burden for both staff and stakeholders. Such a process would require new forms to be created, communications and training would need to be created and updated, and user manuals would need to be updated. Similar to other parts of this testimony, these updates would require significant fiscal and staff expenditures.

DHS is appreciative of the emotional and mental health concerns raised by the bill authors and is committed to improving mental health for all Wisconsinites. It is the intent of this written testimony to highlight the mechanics of the vital records process for adoptees and how it would be impacted by AB 502. DHS thanks the Committee for the opportunity to provide written testimony on this bill.



TO: Chair Snyder, Vice-Chair Ramthun, and Honorable Members of the Assembly Children and Families Committee
FROM: Amanda Merkwae, Legislative Advisor
DATE: January 26, 2022
SUBJECT: 2021 Assembly Bill 502

The Department of Children and Families (DCF) appreciates the opportunity to provide written testimony for information on Assembly Bill 502 to outline the implications of this legislation as currently drafted.

Wisconsin’s Adoption Records Search Program

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 (ARSP) which is governed by Wis. Stat. ss. 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 been terminated to obtain information about themselves and their birth relatives through a streamlined process.

Through the program under current law, 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, the identity of a birth parent, and a copy of the adoptee’s original birth certificate. DCF staff search specialists in ARSP are social workers who are equipped to have sensitive conversations with adult adoptees regarding their requests and the content provided in response to requests. ASRP social workers conduct a search and outreach to birth parents in response to an adoptee’s request for information, notify the birth parent of the adoptee’s request, and seek consent to disclose identifying information from a birth parent if consent had not previously been provided.

If the birth parent consents or the birth parent is deceased	If the birth parent does not consent to disclosure of identity
DCF discloses the identity of the birth parent to the adult adoptee along with medical, genetic, and social history information.	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).

Assembly Bill 502

AB502 requires the Department of Health Services (DHS) to provide, upon request of the adult adoptee, unrestricted access to the adoptee's unaltered birth record, which includes the disclosure of the identity of a birth mother who placed a child for adoption, including the identity of a birth mother who has chosen and been assured confidentiality under current law.

This presents significant concerns because, in effect, the bill rescinds the confidentiality protection that was extended to birth mothers at the time the mother placed her child for adoption. These birth mothers are likely to have progressed to different stages of their lives; exposing their past decision may be distressing and disruptive to them and their current relationships with family members, friends, faith community and/or professional colleagues.

In addition, the bill creates a complicated process for adoptees to obtain adoption-related information by requiring the adoptee to request certain adoption-related information from DHS and access other adoption information through DCF. The bill also does not align the confidentiality provisions across the two departments, resulting in DCF continuing to redact the names of birth parents who have not provided consent to DCF, even though these names may be disclosed to the adult adoptee by DHS, creating unnecessary workload for each department and confusion for the adoptee. Ultimately, DCF's skilled social workers are experienced at traversing the emotional journey with clients, as well as the logistics of dispersing information about their history. Keeping the complete adoption record search process within DCF's purview allows ASRP social workers to serve as a trauma-informed liaison between each of the parties and ensure adoptees are provided complete and accurate information.

DCF recognizes the value to adult adoptees 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. DCF is pleased to engage with the Committee and individuals with lived experience from each group impacted by adoption—including adoptees, birth parents, birth siblings, and adoptive parents—in further discussions on possible modifications to this legislation to achieve the goal of developing statutory changes that balance the interests of all stakeholders, provide streamlined access to information for Wisconsin citizens, avoid unintended consequences, and support Wisconsin children and families to pursue fulfilling and healthy lives.

Thank you for the opportunity to provide written comments about this legislation. Please do not hesitate to contact me at amanda.merkwae1@wisconsin.gov or (608) 513-7604 if there are any questions.

Hello, my name is Maureen Russell. I live near Hartford, Wi. I am a birth mother, AKA, a biological mother. I gave birth to a beautiful baby girl on October 18, 1968. She was a special gift that I gave to some very special parents. I never saw, held, or kissed her but she was always in my heart. At the age of 21 & with the help & support of her mother she was able to contact a mutual friend and asked if I would be interested & willing to meet. Without any hesitation I said YES. We have now been friends for over 30 years & I have two beautiful granddaughters who I see as often as we can. I was able to meet her parents, go to her wedding, been invited to birthdays, graduations. All of this joy because of our mutual friend. I can't imagine life without her. If we had never met I would have a hole in my heart that no one could patch. We were the lucky ones. We had this friend. How hard is it for others who can't get any information on their birth mothers. They should be able to try & reunite with them. Maybe not all meetings will be happy but they should have the opportunity to find their heritage. Please open up birth records. If the birth parents don't want to meet then let them say it. Don't keep these children in the dark. Help them see the light & love they have missed.

Maureen Russell
2458 Lough Lane
Hartford, Wi 53027

TO:
Committee on Children and Families
Wisconsin State Assembly
Rep.Snyder <Rep.Snyder@legis.wisconsin.gov>

Elizabeth Samuels, Professor of Law Emeritus
University of Baltimore School of Law
1420 North Charles Street
Baltimore, MD 21201-5779
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RE: 2021 Assembly Bill 503 relating to access to birth records

Chairman Pat Snyder and the members of the Committee:

I am a professor emeritus at the University of Baltimore School of Law, where I taught courses in the areas of constitutional law, family law, and professional responsibility. Since the 1990s my research and writing have focused on adoption law, including the history of the laws governing adoption records. (I provide citations and links below.) Gaining an understanding that legal history is part of what has encouraged legislators in many states to restore access to records that at some point had been denied to adult adoptees.

As I explain below, states closed records to protect adoptive families' privacy and to protect them from possible interference by birth parents. States' laws have not guaranteed lifelong anonymity for birth parents. Birth mothers during the last century were not given a choice about or promised even confidentiality in the surrender papers they signed. Those who sought confidentiality sought to conceal their pregnancy from their families or communities rather than to conceal forever their identities from their children or to foreclose for themselves any chance of learning how their children fared in life. It is therefore not surprising that birth mothers have been among the most vocal supporters of adult adoptee access to records.

1. Why were records closed? When adoption records around the United States were closed to inspection by the parties to the adoption as well as the public, they were closed to protect adoptive families' privacy and to protect adoptive families from possible interference or harassment by birth parents, not to protect birth parents' privacy.

In the 1940s and 1950s, many states followed the recommendation of adoption and vital statistics experts to make adoption court records and original birth certificates generally available only by court order, but to keep original birth records available on demand to adult adoptees. This was the recommendation of the first Uniform Adoption Act, promulgated in 1953. Similarly, the United States Children's Bureau's position was that adopted adults have a "right to know who he is and who his people were."

Despite the experts' recommendations, many states, including Wisconsin, did begin to close original birth records to adult adoptees as well as others. By 1960, 26 states had done so, although in a few of those states, court records remained available for some time after that date to adoptive parents or to adult adoptees, or to both. In the states in which access to both court and birth records had become available only by court order, the reason given for closing records to the parties was the need to protect adoptive families from birth parents, not to protect the privacy of birth parents.

Of the states that in 1960 still recognized adult adoptees' right to original birth certificates on demand, four states closed the original birth records in the 1960s, six states closed them in the 1970s, and seven more did so only after 1979. The records were never closed and have always been available in Alaska and Kansas. Since 1990, when Alabama closed these records, Alabama and nineteen other states have made records available to all or most adoptees.

2. Has the law guaranteed lifelong anonymity for birth parents? As federal and state courts have found in cases challenging restored access, lifelong anonymity has not been guaranteed by federal or state constitutions or by the state laws sealing court and birth records. And confidentiality has not been promised in the agreements that birth mothers entered into when they surrendered their children for adoption. Adoption records have been accessible by court order without notice to birth parents. It has typically been up to the adoptive parents, not the birth parents, whether to change the child's name (and often even whether to have an amended birth certificate issued). In many adoptions, the adoptive parents have received copies of documents with identifying information about the birth mother.

When the first two states restored access that had been closed to adult adoptees -- Tennessee and Oregon -- their laws were unsuccessfully challenged in the courts. The Oregon courts held that under state and federal constitutions, the law neither unconstitutionally impaired the obligation of contract nor invaded a guaranteed privacy right. Oregon's typical adoption laws never "prevented all dissemination of information concerning the identities of birth mothers. At no time in Oregon's history have the adoption laws required the consent of, or even notice to, a birth mother on the opening of adoption records or sealed birth certificates." A birth mother does not have "a fundamental right to give birth to a child and then have someone else assume legal responsibility for that child Adoption necessarily involves a child that already has been born, and a birth is, and historically has been, essentially a public event."

Opponents of the Tennessee law argued unsuccessfully in federal court that the law violated constitutional rights of birth mothers to familial privacy, reproductive privacy, and the non-disclosure of private information. In subsequent state court litigation, the Tennessee Supreme Court upheld the statute, deciding under the state constitution that the law neither impaired birth mothers' vested rights nor violated their right to privacy. The court noted that early state law did not require sealing records, and that later law permitted disclosure upon "a judicial finding that disclosure was in the best interest of the adopted person and the public," with no requirement that birth parents be notified or have an opportunity to veto contact. The court found that "[t]here simply has never been an absolute guarantee or even a reasonable expectation by the birth parent" that records would never be opened.¹

3. What choices were given and what promises were made to birth mothers by adoption agencies and other adoption facilitators? Opponents of adult adoptee access to original birth certificates have never produced a copy of a document that promises a birth mother even confidentiality on the part of the agency or facilitator. This fact inspired me to investigate what the surrender agreements did provide. I collected documents from birth mothers who were given copies of the documents they signed; many birth mothers were not. I have analyzed 77 documents signed by birth mothers from the late 1930s to 1990, the date the last state passed a law denying access to adult adoptees. From decade to decade and from state to state, the provisions of these documents are the same.

¹ Language in this and the previous paragraph is taken from pages 432-434 of my 2001 article, which is cited at the end of this testimony.

The birth mother surrenders all of her parental rights and is relieved of all of her parental obligations. She does not retain or acquire any rights. A Wisconsin mother, for example, in a two-sentence form in 1988 “freely consent[ed] that an order be made . . . terminating all my parental rights to said child and appointing a guardian. I fully understand that upon such termination of my parental rights, said child may be adopted without any further hearing or notice to me.” While an adoption of the child is an aim or the aim of these surrenders, there is no promise that the child will be adopted. Many documents spell out the possible alternatives of foster care or institutionalization. The birth mother has no right to notice of any future proceeding and therefore never knows if the child is successfully adopted. If the child is not adopted, there is no amended birth certificate.

None of the documents promise the birth mother confidentiality or lifelong anonymity, the latter of which an agency of course could not guarantee. Responsible adoption services providers have known at least since the 1970s that adoption experts were increasingly supporting adult adoptee access to information and that legislative efforts were underway to restore access in those states in which it had been foreclosed.

Forty percent of the documents birth mothers signed do, however, contain promises about future access to information or future contact. *It is the birth mother who promises that she will not seek information about the child or interfere with the adoptive family.*

4. Did birth mothers -- although they were not and could not be offered a choice of whether to remain forever unknown to their children -- desire confidentiality or anonymity? As a commission appointed by the governor of my state of Maryland found in 1980, the birthmother “had no choice about future contact with her relinquished child;” “[s]ecrecy was not offered her, it was *required* . . . as a condition of the adoption.” The evidence is that birth mothers who sought confidentiality usually were seeking to conceal their pregnancies from their parents, or from other members of their communities, rather than to conceal their identities forever from their children or to foreclose for themselves any chance of learning how their children fared in life.

This historical account is consistent with today’s realities. Openness is now the norm in domestic infant adoptions, and the common understanding is that birth parents are more open to placing their children for adoption *if* there will be a degree of openness in the adoption arrangement. With respect to birth parents’ current attitudes about adult adoptees’ access to original birth certificates, studies and surveys conducted since the 1980s show that overwhelmingly large majorities of birth parents, up to 95 percent and above, do not oppose, or approve of, or actively support access and are open to some degree of contact with their children.

Many birth parents as well as adult adoptees spend years, and considerable sums of money, searching for information about one another. Today, DNA databases are increasingly helping adoptees find biological relatives. While many adoptees are successful in their searches, as countless stories in the media attest, many other adult adoptees who search for information about their original identities remain unsuccessful and frustrated because they lack access to original birth records.

5. Has restoring adult adoptee access to records proved harmful or beneficial? States’ legal systems in which adult adoptees have access to original birth records are operating very successfully, including those systems in which records have always been open and those systems in which formerly closed records have been opened to adult adoptees. In all those states, adult adoptees are not arbitrarily separated

into two groups -- adoptees who are able to find information about their origins without access to birth records and adoptees who are not able to find information without access. Adult adoptees have been able to obtain fundamental information about themselves; and in cases in which adoptees and birth parents have wished to meet and become acquainted, access has led to countless fulfilling reunions.

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Related references:

Surrender and Subordination: Birth Mothers and Adoption Law Reform, 20 Michigan Journal of Law and Gender 33 (2013). (Available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2233400.)

The Strange History of Adult Adoptee Access to Original Birth Records, 5 Adoption Quarterly 63 (2001). (Available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1281475.)

The Idea of Adoption: An Inquiry into the History of Adult Adoptee Access to Birth Records, 53 Rutgers L. Rev. 367-437 (2001). (Available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=275730.)

Professor of Law Emerita



esamuels@ubalt.edu

Education

J.D., University of Chicago, 1980

A.B., cum laude, Harvard College, 1975

Curriculum Vitae

Areas of Expertise

Child and Family Law / Adoption

Constitutional Law

Professional Responsibility

Professor Samuels came to the School of Law as a visiting faculty member in 1987 and joined the permanent faculty in 1989. She retired in June 2020.

Samuels worked as a journalist before attending law school, where she was an editor of the *University of Chicago Law Review* and an attorney in the Mandel Legal Aid Clinic. Following law school, she served as law clerk to Judge James L. Oakes, United States Court of Appeals for the Second Circuit. After clerking, she was a legal services attorney and an adjunct law professor in Alabama.

She was the director of the School of Law's first-year Legal Skills Program from 1987 to 1994. She does *pro bono* work in the civil rights and in the child and family law areas and is a member of the Alabama Bar.

Selected Publications

Journal Articles

An Immodest Proposal for Birth Registration In Donor-Assisted Reproduction, In the Interest of Science and Human Rights, 48 New Mexico Law Review 416 (2018).

Surrender and Subordination: Birth Mothers and Adoption Law Reform, 20 Mich. J. Gender & L. 33 (2013).

Adoption Consents: Legal Incentives for Best Practices, 10 Adoption Quarterly 85 (2006).

Legal Representation of Birth Parents and Adoptive Parents, 9 Adoption Quarterly 73 (2006).

Time to Decide? The Laws Governing Mothers' Consents to the Adoption of Their Newborn Infants, 72 Tenn. L. Rev. 509 (2005).

The Idea of Adoption: An Inquiry into the History of Adult Adoptee Access to Birth Records, 53 Rutgers L. Rev. 367-437 (2001). (Excerpted in Naomi Cahn and Joan Heifetz Hollinger, eds., Families By Law: An Adoption Reader (N.Y.U. Press, 2004).) (Available in full on the Web site of the American Adoption Congress, www.americanadoptioncongress.org.)

The Strange History of Adult Adoptee Access to Original Birth Records, 5 Adoption Quarterly 63 (2001).

Stories Out of School: Teaching the Case of Brown v. Voss, 16 Cardozo L. Rev. 1445 (1995). (The subject of an extensive note in the widely used property law casebook, Jesse Dukeminier and James E. Krier, Property 839-41 (9th ed. 2017).

The Art of Line Drawing: Public Aid to Religiously Affiliated Child Care, 69 Ind. L.J. 39 (1993).

Other Articles

Adoption, Encyclopedia of Privacy (William G. Staples, ed., 2007).

Birth Certificates, Encyclopedia of Privacy (William G. Staples. ed., 2007).

Mothers' Consents to Adoptions: "Best Practices" and State Laws, conference book of the International Society of Family Law international conference, July 2005, Salt Lake City, Utah.

Adoption With Contact Law Awaits Governor's Signature, The Daily Record (Baltimore, Maryland), Apr. 22, 2005, Commentary section.

Book Review: Adoption in America, Edited by Wayne E. Carp, Journal of Interdisciplinary history, 35(1) (MIT Press, Summer 2004).

How Adoption in America Grew Secret, Op-Ed, Wash. Post, Oct. 21, 2001, at B5.(Reprinted in 19 Decree 11 (Fall 2002); Adoptive Families, January/February 2002, 17; and CUB Communicator, Winter 2001/2002, 26.)

My name is Dawn. When I was 16, I gave birth to beautiful baby boy. Since I didn't have my family's blessing or help, I knew my only option was to give him up for adoption. It was the hardest thing I have ever done in my life. I prayed to God that if I was not making the right choice for him to please give me a sign.

He was given to a close teacher of mine who couldn't have children. She was an amazing woman! A couple months after she welcomed him, she found out her husband was cheating on her and she killed herself.

I took this as my sign and tried to fight to get him back. The foster mother allowed me to come to her home and take care of him as if I was alone. She would be in the next room but told me she would not help because she wanted me to figure out how to do this on my own. Needless to say after many failed attempts, I didn't know the first thing about being a mom and miserably failed.

He was then adopted by another family who I was able to meet and who sent me pictures of him on his first birthday. That was the last I heard anything from them but prayed for him daily.

After he turned 18 he started the process to find me. He encountered many obstacles and dead ends but thankfully never gave up. After spending countless hours, he found my brother. When we finally talked on the phone the very first time he told me he just wanted to thank me for giving him life!

Please let adoptees gain access to their birth certificates so that others can experience the blessing I am so thankful for.

We have been together now for 18 years and my life has come full circle. I know there are many others who may not have the knowledge or the determination to find their birth parent like my son did. Please help these families. Thank you.

Dawn Stenz

Dear CHAIR SNYDER, VICE-CHAIR RAMTHUN, and MEMBERS OF THE Children and Families Committee,

I am WRITING IN SUPPORT OF HB 502 AS the adoptive parent of a 4 year old son adopted from the foster care system.

When we adopted our son I was shocked to receive AN AMENDED birth certificate with MY and my husband's names LISTED as his mother and father. It has all information correct (including his place of birth), but our names instead of those of his birth parents. The adoption worker offered me the copy she had of his original birth certificate which, of course, lists the names of his biological parents. When I took that piece of paper, I had no idea that I would be guarding a treasure for my little boy. I had no idea that information would be withheld from him as an adult. He has a history that cannot be erased by a new copy of his birth certificate. It was not relinquishment (or in his case, removal) that sealed his birth certificate; it was the adoption that sealed his records.

My son's history is hard. It is painful. It is one that I will have to share with him one day...slowly over time I will have to tell him some very difficult things. But through my research I have found that he NEEDS to have access to his birth family at some point in his life, or at least his family history in order to process his own story.

I am also the aunt of several children adopted in various ways:

- a nephew (EP) adopted at birth 36 years ago,
- a nephew (EG) adopted at the age of 11 from Colombia,
- a niece and nephew (M and J) adopted at the ages of 9 months and 2.5 years from the foster care system, and
- a nephew (A) adopted at the age of 4 months as a result of a family friend putting my brother and sister-in-law in contact with his family member who was looking for a home for their grandson.
- A niece (J, now age 35) who was placed in a "semi-open" adoption in which photos and updates were exchanged with her biological family, until they reconnected in person when she was 22. I have seen that relationship develop and grow so that she now has a beautiful relationship with both her adoptive and birth/first families.

I am also the biological mother of 4 children ages: 28, 25, 20, and 16.

I do not think of, nor refer to, my nieces and nephews or my son as "adopted". I think of them as family members as much as I do my biological children and nieces and nephews (of which there are many).

As someone who has been witness to a variety of adoption stories and life experiences, I am writing in FULL support of allowing adult adoptees to access their original birth certificates, REGARDLESS OF THE CIRCUMSTANCES SURROUNDING THE ADOPTION.

Adoption has been part of my family history for 36 years, yet it was not something I discussed with my nieces and nephews. Probably because I thought the topic might be painful for them, but also it just never really came up in conversation with them. Since becoming a foster parent and subsequently adopting my son, I have done a lot of reading and research on ways to help him process what brought him into our lives. Upon my son's adoption my 14 year old daughter said, "N can talk to EP about adoption." I mentioned that comment to my nephew who responded my son could talk to him any time. I said, "But EP the circumstances are so different." His response of, "Aunt Terri it never goes away", stopped me in my tracks.

Loved by and cared for and surrounded with siblings, parents, grandparents and a large and close extended family for 36 years and "it never goes away". EP is a man who loves this (his) family dearly, is always ready and able to lend a helping hand to his family. But I never thought to talk to him about his adoption. Since then we have had many fruitful conversations. He was fortunate to have had his mother's first name and some letters she had written to him. When he was 23 he contacted Catholic Charities and through them he was able to contact her. He was able to meet her and talk. Sadly, they do not have an on-going relationship because his mother's husband would not allow her to tell their children about a fantastic brother they will never know.

When someone chooses to place a child for adoption it is a decision that is heartbreaking and difficult and, in most cases, it is a decision made out of a great deal of love and a desire to provide a better life than the one they could offer. It is also sometimes a decision that is made FOR the parents and not BY the parents. But the child who is placed for adoption is wounded, the parents are wounded regardless of the situation. An attachment begun at least 9 months prior is being severed.

Allowing adult adoptees the opportunity to access their birth certificates (should they choose to do so) would allow for some of those wounds to heal. Adoption is hard, messy and a beautiful thing all at once. Adoptive families are not diminished by an adopted child wanting (needing) information about their past. And people who choose to allow their child to be adopted should not be made to feel as if they have done something shameful that must be kept secret.

As a biological mother I imagine if I had had to place a child for adoption, I would never not wonder where they were or how they were faring in life. I would feel a piece of me was missing, and I would pray they would someday reach out to me for answers to questions they would invariably have.

My biological family knows its history or can readily access it in various ways. I did not realize that my adopted son would be denied that same access when he reached adulthood.

Sincerely,

Theresa Pellatt-Whitaker

Wausau, Wisconsin

August 15, 2021

Dear Members of the Wisconsin Senate Committee on Human Services, Children and Families:

My name is Susan Gehring. I am the proud adoptive mother to my son, Jason (age 14). I was able to meet Jason the day he was born. I was the first adult to hold him, feed him and tell him, "I love you". I knew that day I would do everything in my power to give him the best life that he deserved and to always be honest and open with him about his birth story. Part of my promise to him that day was to always give him the answers to questions he may have about his origin of birth, because as his mom, I knew that was what would be best for him. Every human being deserves that basic right, yet thousands of people don't have it!! I urge you to change the current law and allow adult adoptees access to their original birth records.

There is an abundance of research out there that proves when adoptees are given information about their life story, **they are better adjusted, have higher self-esteem, and have a better sense of identity.** The Minnesota/Texas Adoption Research Project cited these factors as "key findings" in their years of research. In the case of my son, I assure you that had we not been part of an open adoption, and had access to his birth records, he would not have the self-esteem, sense of identity and level of adjustment that he has today.

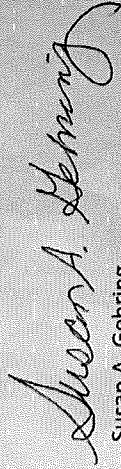
Our family enjoys an open adoption in which we developed a relationship with Jason's birthmother and extended family from the day he was born. We were able to receive critical information regarding his physical and emotional health history that we can share with his pediatrician. We have been able to get information about his genetic make-up/ethnic background (something people born into biological families automatically have). When he is asked what nationalities run through his bloodline, he has the answer to that question. Recently, just within the past month, we were contacted by Jason's birthfather, and he, for the first time, was able to have a conversation with his full biological sister, who is just 1 year older than he is. I can't tell you what a difference that has made in his life to have that instant connection with someone he can relate to that shares the same bloodline, same genetics, same birth parents as he does—something I could never give him. We hope to soon meet them in person and obtain additional information from his birthfather as it pertains to his health and nationality.

While Jason wasn't part of the Minnesota/Texas Adoption Research Project, I can assure you, the fact that he has many critical pieces of his life's puzzle has made a significant difference in his overall well-being. Raising a teenager is hard. At a time when our adolescents are searching

to figure out who they are, where the fit, making meaning of their lives, continually curious and always adjusting...these kids struggle daily with navigating life and transitioning into adulthood. Raising a teenager who is adopted and helping him figure out his true identity is even harder!! That search for identity and where you fit in the world just doesn't go away when you become an adult—it is an ever-evolving process that carries us throughout our entire lives.

With that, I urge you to make the right decision and allow our adult adoptees access to their birth records so it can aid them in their ever-evolving search of self-identity.

Respectfully submitted,



Susan A. Gehring
Adoptive Mother

January 5, 2022

My name is Shelley J. Weber, and I was born in Milwaukee in 1970 during the height of the Baby Scoop Era. I was fortunate to be adopted into a very loving family.

I have been a nurse for over twenty years and spent most of my career working at Children's Hospital of Wisconsin. My nursing background has provided me with repeated examples of how important genetic and medical history are in respect to disease treatment and prevention. I was born with a genetic eye condition and have been unable to get any information regarding my family medical history that may help me understand the inheritance of this condition. Thanks to commercial DNA testing, I was able to find out that my birth father passed away unexpectedly in his sleep at age 69 of a heart attack. His father also died of a heart attack while golfing at the age of 54. My paternal aunt died of a sudden brain and aortic aneurysm at the age of 73. This is vital information for myself and my sons.

With respect to commercial DNA testing, the current law is very outdated. Adoptees can submit a saliva sample, and quickly gain access to their biological relatives. What is more protective of privacy: requesting one's original birth certificate and having the option to make contact; or doing a DNA test and contacting every possible distant relative in order to figure out who the birth parents may be?

The United Nations Convention states that every child has the right to their identity which includes their name, nationality, family, and culture. Why would the state of Wisconsin deny this same right to each of its' residents? Adoptees are treated like perpetual children, never being allowed the same rights as others.

Birth mothers were never promised anonymity from their offspring. It was imposed on them. The current laws were created to protect the adopted child from birth parent interference while the child was a minor, not the other way around. Now that we are adults, we have the capacity to make our own informed decisions regarding this. There is a significant difference between confidentiality from the general public, which is appropriate, and confidentiality between mother and child. The biological mother carried her baby for 9 months. They have an intimate, lifelong connection regardless of the law. A child is a part of their mother's privacy.

Birth mothers should be protected by the same laws as all other citizens, not special ones. The mother and adult child can decide for themselves whether they want contact of any type. The mothers are adults now, not the frightened teenagers of the past. Birth mother shame seems to be further perpetuated by the state.

I have attempted to use the Wisconsin DCF search program and found it to be expensive, cumbersome, and not very helpful. The information provided in the current statute does not seem to align with what was offered to me during the adoption search. The record keeping seemed scattered, and I often wondered if they were confusing me with another adoptee due to conflicting information that I received. I was not provided with any updated medical or genetic information other than the fact that two maternal aunts wore glasses back in 1970. The inconsistencies left me to question the integrity of the whole system. I would not recommend

this service to other adoptees due to the lack of compassion that was provided to me personally. I left the process feeling insignificant and stripped of my dignity.

I ask you to vote "Yes" to AB 502.

Thank you so much for your time.

Shelley J. Weber

FILED
01-20-2022
Register in Probate
Waukesha County
1972AD004811

BY THE COURT:

DATE SIGNED: January 19, 2022

Electronically signed by Maria S. Lazar
Circuit Court Judge

STATE OF WISCONSIN, CIRCUIT COURT, WAUKESHA COUNTY

IN THE INTEREST OF

A. L. Lemanski

Name

Order on Request to Open
Juvenile Court Records for Inspection

12/7/70

Date of Birth

Case No. 72AD4811

The Court received a Request and Authorization to Open Juvenile Court Records for Inspection relating to the child/juvenile by [Requestor] Shelley Weber (Fellenz) on [Date] 12/10/21.

THE COURT ORDERS:

The inspection of court records

1. would not result in imminent danger to anyone and the request is **GRANTED**.

2. may result in imminent danger to someone. A hearing on authorization is scheduled for:

Date	Time	Location
Circuit Court Judge		

3. Other: The requester, Ms. Weber, is seeking a copy of her "Original Birth Certificate" from this file. There is no birth certificate in this Adoption matter. Accordingly, her request is denied as moot.

THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.

If you require reasonable accommodations to participate in the court process due to a disability, please call 262-548-7449 prior to the scheduled court date. Please note that the court does not provide transportation.

DISTRIBUTION:

1. Court
2. Child/Juvenile/Attorney/Guardian ad Litem
3. Parent/Guardian/Legal Custodian/Attorney
4. District Attorney/Corporation Counsel
5. Case Worker