



Luther S. Olsen

State Senator

14th District

Senate Bill 386

Committee on Health and Human Services

Thank you Chairwoman Vukmir and members of the Senate Committee on Health and Human Services for holding a public hearing today on Senate Bill 386.

Due to a number of changes in state statutes and federal law, the Department of Children and Families (DCF) has requested some legislative changes to modernize and align statutes with current operations. 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 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.
2. Removes requirement for an eligible requester to obtain a letter from a physician in order to request updated medical/genetic information.
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.
4. Allow a parent or guardian of a minor offspring of a deceased adoptee to request medical/genetic information.

The proposed changes will allow greater opportunities for information sharing between adoptees and birth parents that could assist adult adoptees in obtaining updated medical information and family history. Many individuals who were adopted have an interest in obtaining information about their biological parents to understand their cultural identity and family background and/or for medical reasons to find out their potential medical risks and make prudent, informed decisions about treatment options.

Thank you, members. I ask for your support and would be more than happy to answer any questions.



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Governor Scott Walker
Secretary Eloise Anderson

Secretary's Office

Date: January 6, 2016

To: Members of the Senate Committee on Health and Human Services

From: Fredi-Ellen Bove, Administrator for the Division of Safety and Permanence

Re: Department Position on SB 386 – In Support

Senator Vukmir and members of the Senate Committee on Health and Human Services,

Thank you for the opportunity to testify on SB 386. My name is Fredi-Ellen Bove and I am the Administrator for the Division of Safety and Permanence within the Wisconsin Department of Children and Families (DCF). With me is Ron Hermes, the Director of the Bureau of Permanence and Out-of-Home Care at DCF.

SB 386 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, Senate Bill 386 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.