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# STATE OF WISCONSIN



## ADOPTION RECORDS SEARCH PROGRAM

A SPECIALIZED PROGRAM FOR:

- ADULT ADOPTED PERSONS
- INDIVIDUALS-ADULTS WHOSE BIRTH PARENT(S) TERMINATED THEIR PARENTAL RIGHTS BUT WERE NEVER ADOPTED
- ADOPTIVE PARENTS
- BIRTH PARENTS

DEPARTMENT OF HEALTH AND FAMILY SERVICES  
DIVISION OF CHILDREN AND FAMILY SERVICES

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## **THE WISCONSIN ADOPTION RECORDS SEARCH LAW**

Wisconsin's Adoption Record Search law is set forth in sections 48.432 and 48.433, Wis. Stats. It became effective in May 1982 and was revised in 1984, 1989 and 1995.

The primary purpose of this law is to help persons, who have been adopted or whose birth parents have terminated their parental rights, to obtain information about themselves and their birth relatives. This information may include:

- . Nonidentifying social history information.
  
- . Medical and genetic information about birth parents and members of their families, including routine health information and any known hereditary or degenerative diseases.
  
- . Most recent names and address of birth parents in Department of Health and Family Services files.
  
- . A copy of the impounded birth certificate (the birth certificate on file prior to the time of adoption).

The law specifies conditions and protections under which the search may be conducted. Birth parents have the option to file a notarized statement (affidavit) with the Department consenting to the release of their identity or to refuse to allow the release of their identity.

### **ADMINISTRATION OF THE LAW**

The law requires the State Department of Health and Family Services (DHFS) to assist eligible persons to obtain medical and genetic information about birth relatives or locate their birth parent(s).

The law establishes procedures for "individuals" and adopted persons to search for their birth parents, authorizes DHFS to sign agreements with other Wisconsin adoption agencies to conduct adoption searches, and requires that these agencies cooperate with DHFS in search activities.

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The law also:

- . Requires Circuit Courts to report medical and genetic information on both birth parents and relatives to DHFS at the time parental rights are terminated in Wisconsin.
- . Requires DHFS to establish a permanent centralized birth record file on all adoptions completed within this State.

. Allows adoptive parents to request medical and genetic and nonidentifying social history information from existing records or to request updated medical or genetic information on birth parents.

. Allows persons to petition the Circuit Court for an order requiring release of information not available under provisions of the Search Program-after a diligent search has been completed.

## **HOW DOES THE LAW AFFECT ADOPTED PERSONS?**

. When an adopted person is 18 years old, he/she can request medical and genetic information about his/her birth parents and relatives and nonidentifying social history information.

. DHFS or another service agreement agency must make every effort to notify an adopted person or his or her family (if not 18 years old), if a birth parent(s) or sibling has developed a genetically transferable disease or condition.

. At age 21, an adopted person may request a search for his or her birth parent(s) identity and location and a copy of his or her impounded birth certificate.

. Identity and location of birth parent(s) will not be disclosed unless an affidavit of consent has been signed by birth parent(s). If a court has determined paternity or the parents were married at the time of conception or birth, affidavits are needed from both birth parents.

. If affidavits are on file at the time of the search request, the name and location of the birth parent(s) will be released to the requester. The requester is eligible for a copy of the impounded birth certificate.

. If affidavits of consent are not on file, a diligent search for the birth parent(s) is conducted. If located, the birth parent(s) has the option of signing an affidavit of consent to release identifying information-or to refuse.

## **HOW DOES THE LAW AFFECT BIRTH PARENT(S)?.**

Birth parent(s) may file, at any time, a notarized Affidavit With DHFS consenting to the release of his/her identity and Location and a copy of the impounded birth certificate To The Adopted person when he/she reaches age 21.

Birth parents have the right to revoke the affidavit (withdraw their approval) at any time by writing to the Search Program.

Birth parents are required to provide medical/genetic Information to the court at the time parental rights are terminated. Updated medical/genetic information may be filed with DHFS any time. Forms are available from DHFS for this purpose.

Adopted persons may request the program to notify birth parent(s), if they develop a genetically transferable disease or condition.

.There is no statutory provision for birth parents to request a search for their birth children.

## **HOW DOES THE LAW AFFECT ADOPTIVE PARENTS?**

DHFS or a Wisconsin private adoption agency must attempt to notify adoptive parents of a minor adopted child when records indicate that the birth parent(s) or a sibling has developed a genetically transferable disease or\_ condition.

Adoptive parents may request medical/genetic information and nonidentifying social history information about their adopted child's birth relatives.

## **HOW DOES THE LAW AFFECT SIBLINGS?**

. The current adoptive search law does NOT allow siblings to request searches for each other. Some medical information about siblings may be included in the non-identifying social history record.



## **OTHER PERSONS**

The guardian or legal custodian of an adopted person or "individual", the offspring of an adopted person if he or she is at least 18, and an agency or social worker assigned to provide services to the adopted person may also receive medical and genetic information under this program.

Physicians can direct the program to pass on "genetically transferable disease" information about adopted persons, individuals, birth parents or siblings to adopted persons, individuals or birth parents.

## **"INDIVIDUALS" ADULTS RAISED IN FOSTER CARE WHOSE BIRTH PARENTS TERMINATED PARENTAL RIGHTS**


"Individuals" are adults who were not legally adopted as children but whose birth parent(s) terminated parental rights in Wisconsin. Individuals may use the provisions of this law to request medical, genetic and nonidentifying social history information and birth parent(s) identity and location.

## **SEARCH FEES**

Fees are based on each service agency's hourly rate for the release of medical, genetic and nonidentifying social history information contained in existing DHFS or service agreement agency files. The maximum charge for preparing these materials is limited to \$150.

Hourly fees are also charged for a search for birth parent(s) or for information not already on file. The requester must authorize expenditures for search activities-not to exceed \$300-prior to the case being assigned. The requester will be contacted if more time is needed. Each service agreement agency can provide more information about its search fees.

Based on income, some Search Program requesters may be eligible for a fee reduction (below \$300) or waiver (a minimum of one-hour charge) according to the Department's or agency's standardized ability to pay schedule.



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FOR MORE INFORMATION ON THIS PROGRAM  
OR TO REQUEST AN APPLICATION PACKET,  
CALL OR WRITE:

Adoption Search Records Program  
P.O. Box 8916  
Madison, WI 53708-8916  
(608) 266-7163

When you contact the Adoption Records Search  
Program, please indicate whether you are a birth  
parent, adult adopted person, an adoptive parent,  
or have some other relationship.



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