

No. 148, A.]

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CHAPTER 73.

AN ACT to amend 166.01 and 166.11 (1) and (2) of the statutes, relating to illegitimacy.

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

SECTION 1. 166.01 of the statutes is amended to read:

166.01 On complaint being made to any justice of the peace by any female who shall have been delivered of an illegitimate child or who shall be pregnant with a child which, when born, may be illegitimate, accusing any person of being the father of such child, the justice shall take such complaint in writing, under oath of such female, and shall thereupon issue his warrant against the person accused, directed to the sheriff or any constable of his county, commanding him forthwith to bring such accused person before the justice to answer such complaint. With the consent of the complainant, a summons may be issued in the first instance, as in civil cases, instead of a warrant, which summons shall be personally served. *No such warrant or summons shall be issued and no action for the establishment of paternity shall be commenced after the expiration of 5 years from the date of the birth of such child, except in cases where the parties thereto enter into a voluntary agreement for the support of such child in accordance with section 166.07.*

SECTION 2. 166.11 (1) and (2) of the statutes are amended to read:

166.11 (1) If the accused is found guilty, or admits the truth of the allegation, or enters into a settlement agreement, he shall be adjudged to be the father of such child, unless paternity is denied in such settlement agreement, and shall be ordered to pay all expenses incurred for lying-in and attendance of the mother during * * * pregnancy, and also for the past care and support of the child, from the time of its birth until the date of the approval of the agreement or the entry of judgment. If the child is dead at time of trial he shall pay the expenses of the funeral and the expenses of the last illness. All payments and expenses stated herein shall be paid by the accused to a trustee, and the settlement agreement or judgment shall specifically provide for the amount of disbursement and indicate the person to whom the trustee shall make such disbursement.

(2) All of the foregoing matters shall be ascertained and fixed by the court and, together with such attorneys' fees as have been allowed, shall be inserted in the judgment, with an order directed to the clerk of the court to file with the state registrar of vital statistics a certified copy of all judgments determining the paternity of the child, and a report showing the name, date and place of birth of the child and the name, color, residence, age, birthplace and occupation of the father of the child. *The registrar shall*

thereupon issue a new certificate, pursuant to and in accordance with the judgment of the court. Such new certificate shall be issued substantially in accordance with the provisions of sections 59.33 and 69.24 (1) (e) and the clerk of the court shall collect a fee of \$1 which shall be transmitted to the bureau of vital statistics. Judgments entered upon agreement of the parties shall conform to the above unless the parties are unable to agree as to the paternity of the child, when such adjudication may be omitted.

Approved April 30, 1949.
