

**2001 DRAFTING REQUEST**

**Bill**

Received: **09/20/2000**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget (608) 267-9546**

By/Representing: **Jablonsky**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact:

Alt. Drafters:

Subject: **Health - vital statistics**

Extra Copies: **ISR**

**Pre Topic:**

DOA:.....Jablonsky -

**Topic:**

Vital records

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kenneda 11/30/2000	hhagen 12/01/2000					S&L
/1			rschluet 12/04/2000		gretskl 12/04/2000		S&L
/2	kenneda 12/06/2000	hhagen 12/06/2000	pgreensl 12/07/2000		lrb docadmin 12/07/2000		S&L
/3	kenneda 12/18/2000	jdye 12/20/2000	kfollet 12/20/2000		lrb docadmin 12/20/2000		S&L
/4	kenneda 12/26/2000	hhagen 12/27/2000	martykr 12/28/2000		gretskl 12/28/2000		

FE Sent For:

<END>

**2001 DRAFTING REQUEST**

**Bill**

Received: **09/20/2000**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget (608) 267-9546**

By/Representing: **Jablonsky**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact:

Alt. Drafters:

Subject: **Health - vital statistics**

Extra Copies: **ISR**

**Pre Topic:**

DOA:.....Jablonsky -

**Topic:**

Vital records

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kenneda 11/30/2000	hhagen 12/01/2000					S&L
/1			rschluet 12/04/2000		gretskl 12/04/2000		S&L
/2	kenneda 12/06/2000	hhagen 12/06/2000	pgreensl 12/07/2000		lrb_docadmin 12/07/2000		S&L
/3	kenneda 12/18/2000	jdyer 12/20/2000 <i>Shank 14 12/27/00</i>	kfollet 12/20/2000 <i>Km 12/27</i>		lrb_docadmin 12/20/2000 <i>PC 12/28 Km 28</i>		

FE Sent For:

**<END>**

**2001 DRAFTING REQUEST**

**Bill**

Received: 09/20/2000

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget (608) 267-9546**

By/Representing: **Jablonsky**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact:

Alt. Drafters:

Subject: **Health - vital statistics**

Extra Copies: **ISR**

**Pre Topic:**

DOA:.....Jablonsky -

**Topic:**

Vital records

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kenneda 11/30/2000	hhagen 12/01/2000					S&L
/1			rschluet 12/04/2000		gretskl 12/04/2000		S&L
/2	kenneda 12/06/2000	hhagen 12/06/2000	pgreensl 12/07/2000		lrb_docadmin 12/07/2000		

FE Sent For:

*13 hmb  
12/19/00*

*kj  
12/20*

*kj/jf  
12/20*

<END>

**2001 DRAFTING REQUEST**

**Bill**

Received: **09/20/2000**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget (608) 267-9546**

By/Representing: **Jablonsky**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact:

Alt. Drafters:

Subject: **Health - vital statistics**

Extra Copies: **ISR**

---

**Pre Topic:**

DOA:.....Jablonsky -

---

**Topic:**

Vital records

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kenneda 11/30/2000	hhagen 12/01/2000		<u>12/18</u>			S&L
/1		12 hmt 12/16/00	rschluet 12/04/2000	<u>PG/RS</u>	gretskl 12/04/2000		

FE Sent For:

12/6  
PG1

<END>

2001 DRAFTING REQUEST

Bill

Received: 09/20/2000

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Administration-Budget (608) 267-9546

By/Representing: Jablonsky

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact:

Alt. Drafters:

Subject: Health - vital statistics

Extra Copies: ISR

Pre Topic:

DOA:.....Jablonsky -

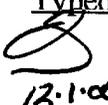
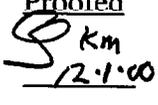
Topic:

Vital records

Instructions:

See Attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
1/?	kenneda	11 hmb 12/1/00	 12-1-00	 Km 12-1-00			

FE Sent For:

<END>

# DHFS

Department of Health and Family Services  
2001-2003 Biennial Budget Statutory Language Request  
September 11, 2000

## Vital Records

### Current Language

Chapter 69, subchapter 1  
Chapter 765

### Proposed Change

1. Amend Chapter 69 to allow for automated filing and issuance of all vital records and to allow the use of current automated procedures for filing, amending and indexing vital records. (See attached.)
2. Amend Chapter 69 to allow the Department to increase the fees charged for copies of vital records. In addition, amend s.69.22 (6) to clarify the Department's ability to standardize search and copy fees for other state agencies that have a high volume of record verifications and copies. (See attached.)
3. Amend s.69.15(1) (a) and (b) to allow county child support offices to submit court-ordered changes to a birth record to the state registrar. *Edwards H.*
4. Amend Chapter 69 and Chapter 765 to allow the Department to protect vital records from possible fraudulent uses and help insure privacy of vital records registrants and their families. (See attached.)

### Effect of the Change

1. The state will be able to implement an electronic online system for all vital records and to increase the fees currently charged for copies of these records.
2. The state will be able to protect vital records from fraud and assure privacy of the records.

### Rationale for the Change

1. Chapter 69 governs the procedures and policies for completing, filing, amending, storing and releasing vital records and the data gathered from those records. Over the years,

technological advances and changing business needs of the Department's public and private sector partners have made some of the current language in the vital records laws outdated. The Department plans to implement an electronic on-line vital records system which will automate all vital records; as a result, statutory language that governs the submission of vital records must be amended to allow for automated filing and issuance of records and indexes. Failure to update the language to allow for the electronic filing of death, marriage and divorce/annulment records will force the state to continue to use paper-intensive, inefficient business practices that will result in decreased services to Wisconsin citizens.

2. Fee structures need to be changed to better address the actual costs of services provided and to help pay for costs associated with the design, development and maintenance of an automated registration and record issuance system. It is also necessary to amend s. 69.22 (6) to clarify the Department's ability to standardize search and copy fees for other state agencies that have a high volume of record verifications and copies. These agencies need a reduced fee schedule to be able to meet program goals within their budgets.

3. Currently county child support offices handle almost all court paternity actions. However, the statutes specify that only a clerk of court can submit changes on birth certificates to the state registrar. The Department is developing an electronic submission process which will allow child support offices to submit revised information quickly. This change should be accompanied by statutory language that allows child support offices as well as clerks of court to submit birth certificate changes.

4. Releasing information contained in a public record to anyone other than an interested party raises issues of potential fraud or privacy violations. Vital records are subject to possible fraudulent use because they are necessary for many legal purposes. To help alleviate fraudulent uses of vital records and protect the privacy of registrants and their families, it is necessary to define what data elements constitute a public index and specify the earliest dates public indexes can be produced for each record and under what conditions.

Birth records and associated index information are continually being impounded by court actions, such as adoption proceedings. While public indexes can be updated within the state and local vital records office, the release of copies of public birth indexes is contrary to court directives. To protect the confidentiality of these records, it is proposed to prohibit the reproduction of birth indexes until 100 years have passed from the year of birth, as is done in other states. It is also proposed to allow the reproduction of death, marriage, and divorce indexes after two years.

To protect the privacy of the families of decedents, it is proposed to create a three-part death record certification. This certification would consist of a short form fact of death, long form with exact cause of death and a section for statistical data only that would not appear on a certified or uncertified copy of a death record. Statutory language would specify who may obtain copies of each portion of the form.

**Desired Effective Date:** Upon Passage of the Budget Bill  
**Agency:** DHFS  
**Agency Contact:** Ellen Hadidian  
**Phone:** 266-8155

## APPENDIX A

### Section 1

(Items Directly Related to Budget Proposal on Automation of Vital Records)

- Change the death record registration statutes to allow for automated filing and issuance of death records: 69.01 (26), 69.08, 69.18, 69.21
- Change the marriage record registration statutes to allow for automated filing and issuance of marriage records: 69.01 (26), 69.08, 69.21, 765.12, 765.13
- Change the divorce/annulment record registration statutes to allow for automated filing and issuance of divorce/annulment records: 69.01 (26), 69.08, 69.17, 69.21
- Change the fee structure for issuance of vital records and for processing charges for certain activities: 69.22

### Section 2

(Items Not Directly Related to Budget Proposal on Automation of Vital Records)  
(Fraud Prevention/Privacy Issues/Clean-up Language)

- Define date of death to conform with the death record: new 69.01 (13r)
- Better define "research" to protect the privacy of registrants and their families: 69.01(22)
- Include prevention of fraudulent uses of vital records and protection of the privacy of registrants and their families in the statute authorizing promulgation of rules: 69.20 (4)
- To help alleviate fraudulent uses of vital records and protect the privacy of registrants and their families, define what data elements constitute a public index and specify the earliest dates public indexes can be produced for each record and under what conditions. Birth records and associated index information are continually being impounded by court actions. While public indexes can be updated within the state and local vital records office, release of copies of public birth indexes is contrary to court directives and we propose that reproduction of birth indexes be prohibited until 100 years have passed from the year of birth (this is the system used by many states). Death, marriage and divorce indexes could be reproduced for the public after 2 years: 69.03 (5), 69.06 (2), 69.07 (2), 69.11 (4)(b), 69.12 (5), new 69.13 new 69.20 (3b)

- To protect the privacy of the families of decedents, allow for a 3-part death record certification. It would consist of a short form fact of death, long form with exact cause of death and a section for statistical data only that would not appear on a certified or uncertified copy of a death record. Specify who may obtain copies of each portion of the form: new 69.18 (1a), 69.20 (2) (a), new 69.20 (2) (g), 69.21 (1) (b) 4. And new 69.21 (1) (b) 5
- Correct statutory language to reflect the current method of filing birth records: 69.14 (1)
- Correct statutory language to reflect current practices for amending vital records: 69.11 (3) (b) 3, 69.11 (4) (b), 69.11 (5)
- Correct a variety of other minor statutory conflicts that do not reflect current practices for handling electronic vital records documents/data: (69.18 (1)(d), 69.18(3)

## APPENDIX B

1

**Current:**

None

**Suggested New:**

69.01 (13r) "Legal date of death" means the date that a person is pronounced dead by a physician, coroner or medical examiner (or deputy coroner or deputy medical examiner).

2

**Current:**

69.01 (22) "Research" means a systematic study through scientific inquiry for the purpose of expanding a field of knowledge, including but not limited to environmental or epidemiological research or special studies.

**Suggested New:**

69.01 (22) "Research" means a systematic study through scientific inquiry for the purpose of expanding a field of knowledge, including but not limited to environmental or epidemiological research or special studies and conducted by individuals or groups meeting the criteria outlined in administrative rule promulgated under s. 69.20(4).

3

**Current:**

69.01 (26) "Vital records" means certificates of birth, death, divorce or annulment, marriage documents and data related thereto.

**Suggested New:**

69.01 (26) "Vital records" means certificates of birth, death, divorce or annulment, marriage documents and worksheets or electronic transmissions of vital records data using forms and electronic file formats approved by the state registrar and data related thereto.

4

**Current:** (Powers and Duties of the State Registrars)

69.03 (5) Under this subchapter, accept for registration, assign a date of acceptance and index and preserve original certificates of birth and death, original marriage documents and original divorce reports.

**Suggested New:**

69.03 (5) Under this subchapter, accept for registration, assign a date of acceptance and index and preserve original certificates of birth and death, original marriage documents and original divorce reports. Indexes prepared for public use under s. 69.20 (3b) shall consist of the registrant's full name, date of the event (birth, death, marriage, divorce/annulment), county of occurrence, county of residence and, at the discretion of the state registrar, the state file number.

5

**Current:** (duties of the city registrar)

69.06 (2) Make, file and index an exact copy of every certificate accepted under sub. (1).

**Suggested New:**

69.06 (2) (2) Make, file and index an exact copy of every certificate accepted under sub. (1). Indexes prepared for public use under s. 69.20 (3b) shall consist of the registrant's full name, date of the event (birth, death, marriage, divorce/annulment), county of occurrence, county of residence and, at the discretion of the issuing registrar, the local file number.

6

**Current:** (Duties of the register of deeds)

69.07 (2) Make, file and index an exact copy of every vital record accepted under sub. (1) or received under s. 69.05 (3).

**Suggested New:**

69.07 (2) Make, file and index an exact copy of every vital record accepted under sub. (1) or received under s. 69.05 (3). Indexes prepared for public use under s. 69.20 (3b) shall consist of the registrant's full name, date of the event (birth, death, marriage, divorce/annulment), county of occurrence, county of residence and, at the discretion of the issuing registrar, the local file number.

7

**Current:**

None

**Suggested New:**

69.08 nothing in this subsection is construed to prohibit electronic filing of any vital record within the state and local vital records system.

8

**Current:**

69.11 (3) (b) 3. Age, if the vital record is a marriage document and if the amendment is accompanied by a statement which the county clerk who issued the marriage license in the marriage document has submitted to support the amendment.

**Suggested New:**

Delete

9

**Current:**

69.11 (4) (b) If 365 days have elapsed since the occurrence of the event which is the subject of a birth certificate, the state registrar may amend an item on the birth certificate which affects information about the name, sex, date of birth, place of birth, parents' surnames or marital status of the mother on a birth certificate if the amendment is at the request of a person with a direct and tangible interest in the record on a request form supplied by the state registrar and if the amendment is accompanied by 2 items of documentary evidence sufficient to prove that the item to be changed is in error and by the affidavit of the person requesting the amendment.

**Suggested New:**

69.11 (4) (b) If 365 days have elapsed since the occurrence of the event which is the subject of a birth certificate, the state registrar may amend an item on the birth certificate which affects information about the name, sex, date of birth, place of birth, parent's names, or marital status of the mother on a birth certificate if the amendment is at the request of a person with a direct and tangible interest in the record on a request form supplied by the state registrar and if the amendment is accompanied by 2 items of documentary evidence from early childhood, sufficient to prove that the item to be changed is in error and by the affidavit of the person requesting the amendment.

**Suggested New (Revised 8/31):**

69.11 (4) (b) If 365 days have elapsed since the occurrence of the event which is the subject of a birth certificate, the state registrar may amend an item on the birth certificate which affects information about the name, sex, date of birth, place of birth, parent's names, or marital status of the mother on a birth certificate if the amendment is at the request of a person with a direct and tangible interest in the record on a request form supplied by the state registrar and if the amendment is accompanied by 2 items of documentary evidence from early childhood, sufficient to prove that the item to be changed is in error and by the affidavit of the person requesting the amendment. A change in the marital status on the birth record may only be requested under this subsection if the marital status is inconsistent with father or husband information appearing on the birth certificate. This subsection cannot be used to add or delete the name of a parent named on the birth certificate or change the identity of either parent named on the birth certificate.

10

**Current:**

69.11 (5) (a) If the state or local registrar, under this section or under s. 69.15, changes the face of a vital record registered or filed in his or her office, the registrar shall:

1. Insert any information that was omitted when the vital record was filed.
2. If the amendment changes information on the record:
  - a. Strike out, but maintain the legibility of, the changed information and insert any new information;
  - b. Enter any notation of support in the margin of the record; and
  - c. Sign the amendment and insert a note that the record has been amended.

**Suggested New (Revised 8/31/2000):**

69.11 (5) (a) If the state or local registrar, under this section or under 69.15, changes the face of a vital record registered or filed in his or her office, the registrar shall:

1. Insert any information that was omitted when the vital record was filed.
2. If the amendment changes the information on the record:
  - a. Record the correct information in the relevant area on the vital record.
  - b. Preserve the changed information either by maintaining legibility of the changed information by placing a single line through the changed entry or by recording the changed information elsewhere on the legal portion of the record.
  - c. Affix a notation on the record clearly stating that the record has been amended and give the number of the item corrected, the date of the correction and the source of the amended information.
  - d. Initial the amendment notation.

11

**Current:**

69.14 Registration of births. (1) Filing requirements. (a) Filing deadline. 1. Except as provided under subd. 2., a certificate of birth for every birth which occurs in this state shall be filed in the registration district in which the birth occurs within 5 days after the birth and shall be registered under this subchapter.

**Suggested New:**

69.14 Registration of births. (1) Filing requirements. (a) Filing deadline. 1. Except as provided under subd. 2., a certificate of birth for every birth which occurs in this state shall be filed in the state vital records system ~~registration district in which the birth occurs~~ within 5 days after the birth and shall be registered under this subchapter.

**Current:**

69.17 Divorce report. At the end of every biweekly period, the clerk of any court which conducts divorce proceedings under ch. 767 shall forward to the state registrar, on a form supplied by the state registrar, a report of every divorce or annulment of marriage granted during the biweekly period. The form supplied by the state registrar shall require that the social security numbers of the parties to the divorce or annulment and the social security number of any child of the parties be provided.

**Suggested New:**

69.17 Divorce report. At the end of every biweekly period, the clerk of any court which conducts divorce proceedings under ch. 767 shall forward to the state registrar, on a form supplied by the state registrar or in an electronic format approved by the state registrar, a report of every divorce or annulment of marriage granted during the biweekly period. The form supplied by the state registrar shall require that the social security numbers of the parties to the divorce or annulment and the social security number of any child of the parties be provided.

13

**Current:**

None

**Suggested New:**

69.18 (1a) **FORMAT OF DEATH RECORDS.** Beginning in (January 1, 2003), the death record shall consist of three parts as described below:

- (a) Fact of death information which shall include the name of the decedent, date, time and place pronounced dead, other decedent identifiers (including social security number), identities of certifiers, dates of certification and filing and the manner of death.
- (b) Extended fact of death information, which shall include information specified in 69.18(1a) (a), information on final disposition and cause of death and injury related data.
- (c) Statistical use only information which shall include all other information collected on the national model death record form and other data as directed by the state registrar, including race, educational background and health risk behavior information.

14

**Current:**

69.20 (2) (a) Except as provided under sub. (3), information in the part of a birth certificate, marriage document or divorce report designated on the form as being collected for statistical or medical and statistical use only may not be disclosed to any person except the subject of the information, or, if the subject is a minor, to his or her parent or guardian.

**Suggested New:**

69.20 (2) (a) Except as provided under sub. (3), information in the part of a birth record, marriage record, death record or divorce/annulment record designated on the form as being collected for statistical or medical and statistical use only may not be disclosed to any person except the subject of the information, or, if the person is a minor, to his or her parent or legal guardian or, if the subject is a decedent, to the decedent's next of kin as defined in 146.81 (3). or a person authorized in writing by the next of kin.

69.20 (2) (g) Except as provided under sub (3), until 50 years from the date of death have elapsed, the state registrar and local registrars may not permit inspection of or disclose information contained in the extended fact of death portion of a death record to anyone except a person with a direct and tangible interest as designated in 69.20 (1) or to a direct descendent of the decedent.

15

**Current:**

69.20 (3) (e) The state registrar and local registrars may publish in a public index the name, sex, date and place of birth and parents' names from the birth certificate of a registrant born of a mother who was not married at any time from the conception to the birth of the registrant, except that the state or a local registrar may not disclose any information changed or impounded under s. 69.15. A registrar may not certify any information disclosed from the index under this paragraph.

**Suggested New (Revised 8/31/2000):**

69.20 (3) (e) Public use indexes of birth, death, marriage and divorce records filed in the state vital records system at the local or state level are accessible only by inspection at a state or local vital records office and cannot be copied or reproduced except as described below:

1. Birth record index information can only be copied or reproduced for the public after 100 years have elapsed from the year in which the birth occurred. The registrar may not release any information in these indexes that has been impounded under 69.15. Birth record indexes of events prior to October 1, 1907 are exempt from this restriction.

2. Indexes of death, marriage and divorce/annulment records can be copied or reproduced for the public after 2 years have elapsed from the year in which the event occurred.

3. Any information obtained from an index under 69.20 (3b) 1 and 2 and re-released must contain the following statement: "The information listed is not a legal vital record index. Inclusion in this list does not constitute legal verification of the fact of the event." Vital record index information released prior to January 1, 200? is exempt from this restriction.

16

**Current:**

69.20 (4) The state registrar and every local registrar shall protect vital records from mutilation, alteration or theft by strictly controlling direct access to any vital record filed or registered in paper form through procedures promulgated by rule.

**Suggested New:**

69.20 (4) The state registrar and every local registrar shall protect vital records from mutilation, alteration or theft; shall protect vital records from fraudulent use; and shall protect the privacy rights of registrants and their families by controlling both direct and indirect access to any vital record filed or registered in paper or electronic form through procedures promulgated by rule.

17

**Current:** (Prohibition against release of information)

69.21 (a) 2. The state registrar and any local registrar may not issue any certified copy under subd. 1. of:

b. Any information of the part of a birth certificate, marriage document or divorce report the disclosure of which is limited under s. 69.20 (2) (a) unless the requester is the subject of the information.

**Suggested New:**

69.21 (a) 2. The state registrar and any local registrar may not issue any certified copy under subd. 1. of:

b. Any information in the part of a birth, marriage, death or divorce/annulment record the disclosure of which is limited under s. 69.20 (2) (a) and (a1) (c) unless the requestor is the subject of the information or, for a decedent, if the requestor is the decedent's next of kin as defined in 146.81 (5) or a person authorized in writing by the next of kin.

18

**Current**

69.21 (1) (b) 4. Any copy of a death certificate issued under par. (a) shall include, without limitation due to enumeration, the name, sex, date and place of death, age or birth date, cause of death and social security number of the decedent, and the file number and the file date of the certificate.

**Suggested New:**

69.21 (1) (b) 4. Any copy of a death record of a death that occurred prior to January 1, 2003 and issued under par. (a) shall include, without limitation due to enumeration, the name, sex, date and place of death, age or birth date, cause and manner of death and social security number of the decedent, and the file number and the file date of the certificate, except that a requestor may request a copy without the cause of death.

69.21 (1) (b) 5. Any copy of a death record of a death occurring after December 31, 2002 and issued under par. (a) shall be on a short form containing only fact of death information as specified in 69.18 (1a) (a) or, at the request of the record requestor, on a long form containing fact of death and extended fact of death information as specified in 69.18 (1a) (b).

**Current/Suggested New Fees:**

69.22 Fees. (1) The state registrar and any local registrar acting under this subchapter shall collect the following fees:

- (a) Except as provided under par. (c), \$7 10 for issuing one certified copy of a vital record and \$2 3 for any additional certified copy of the same vital record issued at the same time.
- (b) Except as provided under par. (c), \$7 10 for any uncertified copy of a vital record issued under s. 69.21 (2) (a) or (b) or for verifying information submitted by a requester without issuance of a copy except as provided under 69.22 (6).
- (c) ~~Twelve~~ Fifteen dollars for issuing a copy of a birth certificate, \$7 of which shall be forwarded to the state treasurer as provided in sub. (1m) and credited to the appropriations under s. 20.433 (1) (g) and (h).
- (d) \$5. in addition to other fees under this subchapter, to be charged for expedited service in issuing any vital record.

69.22 (2) The state registrar and any local registrar may charge \$7 10 for a search of vital records if the registrar finds no record. In addition to the \$7 10, a registrar may charge a fee to cover the costs of a search of vital records if the requester provides no identifying information or identifying information which is imprecise or inadequate.

(5) The state registrar shall collect the following fees:

(a) Ten dollars for:

- 1. Making any change under s. 69.11 (4).
- 2. Making alterations any change ordered by a court under s. 69.12 (3), 69.13 or 69.15 (4) (a).
- 3. Making alterations any change in a birth certificate under s. 69.15 (3) ~~or (3m)~~.

(b) Twenty dollars for:

- 1. Any new vital record registered under s. 69.12 (4), 69.14 (2) (b) ~~6~~, 69.15 ~~(1)~~, (2), ~~(3) or (4)~~, (3m), (4) (b), 69.16 (2) or 69.19.

**Added 9/5/2000**

69.22 (6) The state registrar may ~~provide free search and free~~ charge a reasonable fee for providing searches of vital records and for providing copies of vital records to state agencies for program use. The register of deeds may provide free searches and free copies to agencies in his or her county at the direction of the county board.

**Current:**

765.12 Marriage license, when authorized; corrections; contents. (1) If ss. 765.02, 765.05, 765.08 and 765.09 are complied with, and if there is no prohibition against or legal objection to the marriage, the county clerk shall issue a marriage license. With each marriage license the county clerk shall provide a pamphlet describing the causes and effects of fetal alcohol syndrome. After the application for the marriage license the clerk shall, upon the sworn statement of either of the applicants, correct any erroneous, false or insufficient statement in the marriage license or in the application therefor which shall come to the clerk's attention prior to the marriage and shall show the corrected statement as soon as reasonably possible to the other applicant.

**Suggested New:**

765.12 Marriage license, when authorized; corrections; contents. (1) If ss. 765.02, 765.05, 765.08 and 765.09 are complied with, and if there is no prohibition against or legal objection to the marriage, the county clerk shall issue a marriage license. With each marriage license the county clerk shall provide a pamphlet describing the causes and effects of fetal alcohol syndrome. If, after completion of the marriage license application, the clerk is notified in writing by one of the applicants that any of the information provided for the license is erroneous, the clerk shall notify the other applicant of the correction as soon as reasonably possible. If the marriage license has not been issued, the clerk shall prepare a new license with the correct information entered. If the marriage license has been issued, the clerk shall immediately send a letter of correction to the state registrar to amend the erroneous information.

21

**Current:**

765.13 Form of marriage document. The marriage document shall contain the social security number of each party, as well as any other informational items that the department of health and family services determines are necessary and shall agree in the main with the standard form recommended by the federal agency responsible for national vital statistics. It shall contain a notification of the time limits of the authorization to marry, a notation that the issue of the marriage license shall not be deemed to remove or dispense with any legal disability, impediment or prohibition rendering marriage between the parties illegal, and the signature of the county clerk, who shall acquire the information for the marriage document and enter it in its proper place when the marriage license is issued.

**Suggested New:**

765.13 Form of marriage document. The marriage document shall consist of the marriage license and the marriage license worksheet. The marriage license shall contain a notification of the time limits of the authorization to marry, a notation that the issue of the marriage license shall not be deemed to remove or dispense with any legal disability, impediment or prohibition rendering marriage between the parties illegal, and the signature of the county clerk, who shall acquire the information for the marriage document and enter it in its proper place when the marriage license is issued. The marriage license worksheet shall contain the social security number of each party, as well as any other informational items that the department of health and family services determines are necessary and shall agree in the main with the standard form recommended by the federal agency responsible for national vital statistics. The county clerk shall transmit the marriage license worksheet to the state registrar within 5 days of the date of issuance of the marriage license.

22

**Current/Suggested New Fees:**

69.22(5)(a) The state registrar shall collect the following fees:

(a) Ten dollars for:

1. Making any change under 69.11(4) .
2. Making *any change* ordered by a court under s.69.12(3) or 69.15(4)(a)
3. Making *any change* in a birth certificate under 69.15(3)

(b) Twenty dollars for:

1. Any new vital record registered under 69.12(4), 69.15(2), 69.15(3m), 69.15(4)(b), 69.14(2)(b), 69.16(2), 69.19.

The following suggested changes are added as of 8/31/2000

The following changes are proposed new sections to Chapter 69. These changes are needed to make the statutes consistent and to curtail the growing misuse of s. 69.12 in changing or establishing paternity. The changes also provide stronger disincentives to falsifying information in the preparation of birth certificates.

23

**Suggested New:**

69.12(5) A change in the marital status on the birth record may only be requested under this ~~sub~~section if the marital status is inconsistent with father or husband information appearing on the birth certificate. This ~~sub~~section cannot be used to add or delete the name of a parent on the birth certificate or change the identity of either parent named on the certificate, ~~which may be accomplished under provisions in s. 69.13 or s. 69.15.~~

24

**Suggested New:**

69.13 Correction of Facts Misrepresented by the Birth Certificate Informant. The state registrar may correct information about the parent(s) and the marital status of the mother on a birth certificate registered in this state under a court order issued by the circuit court in the county in which the birth occurred, under the following conditions:

(1) The correction cannot be accomplished under s. 69.11 or 69.12 because the disputed information was misrepresented by the informant during the preparation of the birth certificate

(2) The state registrar receives a court order on a form prescribed by the state registrar and that court order is accompanied by:

- (a) The petition filed by a person with a direct and tangible interest in the birth certificate.
- (b) All supporting evidence listed in (c) that was presented to correct the facts in effect at the time of birth concerning the marital status of the mother or the identity of either parent.
- (c) Certification that supporting evidence other than oral testimony was presented. The court shall list the supporting evidence in the court order.

The supporting evidence will include the following:

1. A certified copy of the original birth certificate.
2. A copy of the hospital birth worksheet and any other supporting documentation from the hospital of birth.
3. If relevant, a certified copy of a marriage certificate, a certified copy of a divorce certificate or a final divorce decree indicating that the mother was not married to the person listed as her husband at any time during the pregnancy, a legal name change order or any other legal document clarifying the disputed facts.
4. A statement signed by the birth certificate informant or the petitioner acknowledging that the disputed facts were misrepresented.
5. The fee prescribed under 69.22(5).

Change to Notice of Removal and Report for Final Disposition filing procedures [ss. 69.18(1)(d) and 69.18(3)(a)] are needed to deal with the growing numbers of hospice facilities within

25

**Current**

69.18(1)(d) A hospital or nursing home may not release a corpse to any person under par. (a) unless the person presents a notice of removal on a form prescribed by the state registrar, in duplicate, to the administrator of the hospital or nursing home. The administrator shall retain one copy and forward the other copy to the local registrar of the registration district in which the hospital or nursing home is located.

**Suggested New:**

69.18(1)(d) A hospital, ~~or nursing home~~ or a health care entity such as a hospice operating within a hospital or nursing home may not release a corpse to any person under par. (a) unless the person presents a notice of removal on a form prescribed by the state registrar, in duplicate, to the administrator of the ~~hospital or nursing home~~ health care facility. The administrator shall retain one copy and forward the other copy to the local registrar of the registration district in which the ~~hospital or nursing home~~ health care entity is located or shall transmit the data electronically in a manner and format prescribed by the state registrar.

26

**Current**

69.18(3) Requirements for disposition of a corpse or stillbirth. (a) Except as provided under par. (c) or (e), the person who has moved a corpse under sub. (1) (a) shall complete a report for final disposition, on a form supplied by the state registrar, and, within 24 hours after being notified of the death, mail or present a copy of the report to the coroner or medical examiner in the county of the place of death and mail or present a copy to the local registrar in the registration district of the place of death. If the cause of death is subject to an investigation under s. 979.01 or 979.03, the report for final disposition shall be submitted to the coroner or medical examiner in the county in which the event which caused the death occurred.

**Suggested New:**

69.18(3) Requirements for disposition of a corpse or stillbirth. (a) Except as provided under par. (c) or (e), the person who has moved a corpse under sub. (1) (a) shall complete a report for final disposition, on a form supplied by the state registrar, and, within 24 hours after being notified of the death, mail or present a copy of the report to the coroner or medical examiner in the county of the place of death and mail or present a copy to the local registrar in the registration district of the place of death or transmit the data electronically in a manner and format prescribed by the state registrar. If the cause of death is subject to an investigation under s. 979.01 or 979.03, the report for final disposition shall be submitted to the coroner or medical examiner in the county in which the event which caused the death occurred.





DIVISION OF HEALTH CARE FINANCING

BUREAU OF HEALTH INFORMATION  
1 WEST WILSON STREET  
P O BOX 7984  
MADISON WI 53707-7984

Tommy G. Thompson  
Governor

Joe Leman  
Secretary

State of Wisconsin

Department of Health and Family Services

Telephone: 608-266-7568

FAX: 608-264-9881

www.dhfs.state.wi.us

## Statutory Changes Request 2001-2003 Budget

**Topic:** Statutory Section: Changes of fact on birth certificates: Wis. Stat. 69.15 (1) (a) and (b).

**Author:** Bureau of Health Information Contact Linda Langlois (7-7817)/Gary Radloff (6-0245)

**Problem:** Currently, county child support offices handle almost all court paternity actions. The statute currently states only a clerk of court can submit these changes on birth certificates. The Vital Records Section is developing an electronic submission process. The statute should be changed to include county child support offices.

**Suggested language:** Add language stating "A child support agency ~~shall~~<sup>§</sup> send the state registrar a certified report of an order of a court in this state any changes to the paternity action." Add a Sub-section: (c) A child support agency shall send the state registrar a certified report of an order of a court in this state any changes to the paternity action on a form supplied by the state registrar or, in the case of any other order, the state registrar receives a certified copy of the order and the proper fee under s. 69.22.

APPENDIX B

1

Current:  
None

Suggested New:

69.01 (13r) "Legal date of death" means the date that a person is pronounced dead by a physician, coroner or medical examiner, ~~or deputy coroner or deputy medical examiner~~.

*deputy coroner,*

2

Current:

69.01 (22) "Research" means a systematic study through scientific inquiry for the purpose of expanding a field of knowledge, including but not limited to environmental or epidemiological research or special studies.

Suggested New:

69.01 (22) "Research" means a systematic study through scientific inquiry for the purpose of expanding a field of knowledge, including but not limited to environmental or epidemiological research or special studies ~~and~~ conducted by ~~individuals or groups meeting the criteria outlined in administrative rule~~ promulgated under s. 69.20(4).

*that is*  
*persons who meet for access that are specified*

3

Current:

69.01 (26) "Vital records" means certificates of birth, death, divorce or annulment, marriage documents and data related thereto.

Suggested New:

69.01 (26) "Vital records" means certificates of birth, death, divorce or annulment, marriage documents and worksheets or electronic transmissions of vital records data using forms and electronic file formats approved by the state registrar and data related thereto.

*(a)*

*(b) add, related worksheets or electronic transmissions that use forms or electronic file formats that are approved by the state registrar,*

*or (c) data related to documents under par. (a) or worksheets or electronic transmissions under par. (b)*

*and are related to documents under par. (a)*

*where is this term used?  
Do it supposed to be used  
w/ s. 69.20  
(2)(c)?*

4

Current: (Powers and Duties of the State Registrars)

69.03 (5) Under this subchapter, accept for registration, assign a date of acceptance and index and preserve original certificates of birth and death, original marriage documents and original divorce reports.

Suggested New:

69.03 (5) Under this subchapter, accept for registration, assign a date of acceptance and index and preserve original certificates of birth and death, original marriage documents and original divorce reports. Indexes prepared for public use under s. 69.20 (3b) shall consist of the registrant's full name, date of the event (birth, death, marriage, divorce/annulment), county of occurrence, county of residence and, at the discretion of the state registrar, the state file number.

*what about the rest of text of 69.03 (5)?*

*(3)(e)*  
*not contained in materials*

5

Current: (duties of the city registrar)

69.06 (2) Make, file and index an exact copy of every certificate accepted under sub. (1).

Suggested New:

69.06 (2) (2) Make, file and index an exact copy of every certificate accepted under sub. (1). Indexes prepared for public use under s. 69.20 (3b) shall consist of the registrant's full name, date of the event (birth, death, marriage, divorce/annulment), county of occurrence, county of residence and, at the discretion of the issuing registrar, the local file number.

6

Current: (Duties of the register of deeds)

69.07 (2) Make, file and index an exact copy of every vital record accepted under sub. (1) or received under s. 69.05 (3).

Suggested New:

69.07 (2) Make, file and index an exact copy of every vital record accepted under sub. (1) or received under s. 69.05 (3). Indexes prepared for public use under s. 69.20 (3b) shall consist of the registrant's full name, date of the event (birth, death, marriage, divorce/annulment), county of occurrence, county of residence and, at the discretion of the issuing registrar, the local file number.

7

Current:

None

Suggested New:

69.08 nothing in this subsection is construed to prohibit electronic filing of any vital record within the state and local vital records system.

*(9)?*  
*section?*

8

**Current:**

69.11 (3) (b) 3. Age, if the vital record is a marriage document and if the amendment is accompanied by a statement which the county clerk who issued the marriage license in the marriage document has submitted to support the amendment.

**Suggested New:**

Delete

9

**Current:**

69.11 (4) (b) If 365 days have elapsed since the occurrence of the event which is the subject of a birth certificate, the state registrar may amend an item on the birth certificate which affects information about the name, sex, date of birth, place of birth, parents' surnames or marital status of the mother on a birth certificate if the amendment is at the request of a person with a direct and tangible interest in the record on a request form supplied by the state registrar and if the amendment is accompanied by 2 items of documentary evidence sufficient to prove that the item to be changed is in error and by the affidavit of the person requesting the amendment.

**Suggested New:**

69.11 (4) (b) If 365 days have elapsed since the occurrence of the event which is the subject of a birth certificate, the state registrar may amend an item on the birth certificate which affects information about the name, sex, date of birth, place of birth, parent's names, or marital status of the mother on a birth certificate if the amendment is at the request of a person with a direct and tangible interest in the record on a request form supplied by the state registrar and if the amendment is accompanied by 2 items of documentary evidence from early childhood, sufficient to prove that the item to be changed is in error and by the affidavit of the person requesting the amendment.

**Suggested New (Revised 8/31):**

69.11 (4) (b) If 365 days have elapsed since the occurrence of the event which is the subject of a birth certificate, the state registrar may amend an item on the birth certificate which affects information about the name, sex, date of birth, place of birth, parent's names, or marital status of the mother on a birth certificate if the amendment is at the request of a person with a direct and tangible interest in the record on a request form supplied by the state registrar and if the amendment is accompanied by 2 items of documentary evidence from early childhood, sufficient to prove that the item to be changed is in error and by the affidavit of the person requesting the amendment. A change in the marital status on the birth record may only be requested under this subsection if the marital status is inconsistent with father or husband information appearing on the birth certificate. This subsection cannot be used to add or delete the name of a parent named on the birth certificate or change the identity of ~~any~~ parent named on the birth certificate.

*the early childhood of the individual who is the subject of the birth certificate?*

*how does the early childhood requirement work with respect to changes in parents' names?*

*? birth certificate*

*no paragraph may not*

*in current law, this is "parents' surnames" - what is the reasoning for the change?*

10

**Current:**

69.11 (5) (a) If the state or local registrar, under this section or under s. 69.15, changes the face of a vital record registered or filed in his or her office, the registrar shall:

1. Insert any information that was omitted when the vital record was filed.
2. If the amendment changes information on the record:
  - a. Strike out, but maintain the legibility of, the changed information and insert any new information;
  - b. Enter any notation of support in the margin of the record; and
  - c. Sign the amendment and insert a note that the record has been amended.

**Suggested New (Revised 8/31/2000):**

69.11 (5) (a) If the state or local registrar, under this section or under 69.15, changes the face of a vital record registered or filed in his or her office, the registrar shall:

1. Insert any information that was omitted when the vital record was filed.
2. If the amendment changes the information on the record:
  - a. Record the correct information in the relevant area on the vital record.
  - b. Preserve the changed information either by maintaining legibility of the changed information by placing a single line through the changed entry or by recording the changed information elsewhere on the legal portion of the record.
  - c. Affix a notation on the record clearly stating that the record has been amended, and give the number of the item corrected, the date of the correction and the source of the amended information.
  - d. Initial the amendment notation.

*can this be done with an electronic version?*

11

**Current:**

69.14 Registration of births. (1) Filing requirements. (a) Filing deadline. 1. Except as provided under subd. 2., a certificate of birth for every birth which occurs in this state shall be filed in the registration district in which the birth occurs within 5 days after the birth and shall be registered under this subchapter.

**Suggested New:**

69.14 Registration of births. (1) Filing requirements. (a) Filing deadline. 1. Except as provided under subd. 2., a certificate of birth for every birth <sup>that</sup> occurs in this state shall be filed in the state vital records system ~~registration district in which the birth occurs~~ within 5 days after the birth and shall be registered under this subchapter.

*what does this term really mean?*

**Current:**

69.17 Divorce report. At the end of every biweekly period, the clerk of any court which conducts divorce proceedings under ch. 767 shall forward to the state registrar, on a form supplied by the state registrar, a report of every divorce or annulment of marriage granted during the biweekly period. The form supplied by the state registrar shall require that the social security numbers of the parties to the divorce or annulment and the social security number of any child of the parties be provided.

**Suggested New:**

69.17 Divorce report. At the end of every biweekly period, the clerk of any court which conducts divorce proceedings under ch. 767 shall forward to the state registrar, on a form supplied by the state registrar or in an electronic format approved by the state registrar, a report of every divorce or annulment of marriage granted during the biweekly period. The form supplied by the state registrar shall require that the social security numbers of the parties to the divorce or annulment and the social security number of any child of the parties be provided.

13

Current:  
None

Suggested New:

69.18 (1a) FORMAT OF DEATH RECORDS. Beginning <sup>on</sup> January 1, 2003, the death record shall consist of three parts as described below:

- (a) Fact of death information, which shall include the name of the decedent, date, time and place pronounced dead, other decedent identifiers (including social security number), identities of certifiers, dates of certification and filing and the manner of death.
- (b) Extended fact of death information, which shall include information specified in ~~69.18(1a)~~ (a), information on final disposition and cause of death and injury-related data.
- (c) Statistical use only information which shall include all other information collected on the national model death record form and other data as directed by the state registrar, including race, educational background and health risk behavior information.

14.

Current:

69.20 (2) (a) Except as provided under sub. (3), information in the part of a birth certificate, marriage document or divorce report designated on the form as being collected for statistical or medical and statistical use only may not be disclosed to any person except the subject of the information, or, if the subject is a minor, to his or her parent or guardian.

Suggested New:

69.20 (2) (a) Except as provided under sub. (3), information in the part of a birth record, marriage record, death record or divorce/annulment record designated on the form as being collected for statistical or medical and statistical use only may not be disclosed to any person except the subject of the information, or, if the person is a minor, to his or her parent or legal guardian or, if the subject is a decedent, to the decedent's next of kin as defined in 146.81 (3), or a person authorized in writing by the next of kin.

69.20 (2) (a) Except as provided under sub (3), until 50 years <sup>after</sup> ~~from~~ the date of death have elapsed, the state registrar and local registrar <sup>may not permit inspection of or disclose information contained in the extended fact of death portion of a death record to anyone except a person with a direct and tangible interest as designated in 69.20 (1) or to a direct descendent of the decedent.</sup>

*Is this the same as a certificate of death under sub. (1)(b)?*

*What does this mean? - each death record has 3 parts?*

*the following*

*? what does this mean*

*other than that under par. (a) or (b)?*

*146.81 (5)? This definition does not work*

*for a certif. of death?*

*Are the term changes intentional? See S. 765.13*

*For individual*

*to*

*specified*

*the decedent's*

*specified under S. 69.18 (1)(b)*

15

**Current:**

69.20 (3) (e) The state registrar and local registrars may publish in a public index the name, sex, date and place of birth and parents' names from the birth certificate of a registrant born of a mother who was not married at any time from the conception to the birth of the registrant, except that the state or a local registrar may not disclose any information changed or impounded under s. 69.15. A registrar may not certify any information disclosed from the index under this paragraph.

**Suggested New (Revised 8/31/2000):**

69.20 (3) (e) Public use indexes of birth, death, marriage and divorce records filed in the state vital records system at the local or state level are accessible only by inspection at a state or local vital records office and ~~cannot~~ be copied or reproduced except as described below:

1. Birth record index information ~~can only~~ be copied or reproduced for the public after 100 years have elapsed from the year in which the birth occurred. The registrar may not release any information in these indexes that has been impounded under 69.15. Birth record indexes of events prior to October 1, 1907, are exempt from this restriction.

2. Indexes of death, marriage and divorce/annulment records can be copied or reproduced for the public after ~~2 years~~ have elapsed from the year in which the event occurred.

3. Any information obtained from an index under 69.20 (3b) 1 and 2 and re-released must contain the following statement: "The information listed is not a legal vital record index. Inclusion in this list does not constitute legal verification of the fact of the event." Vital record index information released prior to January 1, 200? is exempt from this restriction.

*or annulment?*

*may* *may not*

*24 months?*  
*2 calendar years?*

*Beginning Jan 1, 2003?*

*?*

16

**Current:**

69.20 (4) The state registrar and every local registrar shall protect vital records from mutilation, alteration or theft by strictly controlling direct access to any vital record filed or registered in paper form through procedures promulgated by rule.

**Suggested New:**

69.20 (4) The state registrar and every local registrar shall protect vital records from mutilation, alteration or theft; shall protect vital records from fraudulent use; and shall protect the privacy rights of registrants and their families by controlling both direct and indirect access to any vital record filed or registered in paper or electronic form through procedures promulgated by rule.

*Revised*

17

**Current:** (Prohibition against release of information)

69.21(a) 2. The state registrar and any local registrar may not issue any certified copy under subd. 1. of:

b. Any information of the part of a birth certificate, marriage document or divorce report the disclosure of which is limited under s. 69.20 (2) (a) unless the requester is the subject of the information.

**Suggested New:**

69.21(a) 2. The state registrar and any local registrar may not issue any certified copy under subd. 1. of:

b. Any information in the part of a birth, marriage, death or divorce/annulment record the disclosure of which is limited under s. 69.20 (2) (a) and ~~(c)~~ (c) unless the requestor is the subject of the information or, for a decedent, if the requestor is the decedent's next of kin as defined in 146.81 (5) or a person authorized in writing by the next of kin.

*See comment for 69.20(2)(a)*

18

**Current**

69.21 (1) (b) 4. Any copy of a death certificate issued under par. (a) shall include, without limitation due to enumeration, the name, sex, date and place of death, age or birth date, cause of death and social security number of the decedent, and the file number and the file date of the certificate.

**Suggested New:**

69.21 (1) (b) 4. Any copy of a death record of a death that occurred prior to January 1, 2003 and issued under par. (a) shall include, without limitation due to enumeration, the name, sex, date and place of death, age or birth date, cause and manner of death and social security number of the decedent, and the file number and the file date of the certificate, except that a requestor may request a copy without the cause of death.

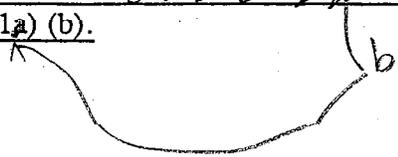
*Amend c-1.*

*upon obtain*

*that does not include*

69.21 (1) (b) 5. Any copy of a death record of a death occurring after December 31, 2002 and issued under par. (a) shall be on a short form containing only fact of death information as specified in 69.18 (1a) (a) or, at the request of the record requestor, on a long form containing fact of death and extended fact of death information as specified in 69.18 (1a) (b).

*Amend c-1.*



**Current/Suggested New Fees:**

69.22 Fees. (1) The state registrar and any local registrar acting under this subchapter shall collect the following fees:

- (a) Except as provided under par. (c), \$7 10 for issuing one certified copy of a vital record and \$2 3 for any additional certified copy of the same vital record issued at the same time.
- (b) Except as provided under par. (c), \$7 10 for any uncertified copy of a vital record issued under s. 69.21 (2) (a) or (b) or for verifying information submitted by a requester without issuance of a copy, except as provided under 69.22 (6).
- (c) ~~Twelve~~ Fifteen dollars for issuing a copy of a birth certificate, \$7 of which shall be forwarded to the state treasurer as provided in sub. (1m) and credited to the appropriations under s. 20.433 (1) (g) and (h).
- (d) \$5. in addition to other fees under this subchapter, to be charged for expedited service in issuing any vital record.

69.22 (2) The state registrar and any local registrar may charge \$7 10 for a search of vital records if the registrar finds no record. In addition to the \$7 10, a registrar may charge a fee to cover the costs of a search of vital records if the requester provides no identifying information or identifying information which is imprecise or inadequate.

(5) The state registrar shall collect the following fees:

(a) Ten dollars for:

- 1. Making any change under s. 69.11 (4).
- 2. Making ~~alterations~~ any change ordered by a court under s. 69.12 (3), ~~69.14 (2) (b) or~~ 69.15 (4) (a).
- 3. Making ~~alterations~~ any change in a birth certificate under s. 69.15 (3) ~~or (3m)~~.

(b) Twenty dollars for:

- 1. Any new vital record registered under s. 69.12 (4), <sup>69.13</sup> 69.14 (2) (b) ~~6.~~, 69.15 ~~(1)~~, (2), ~~(3) or (4)~~, (3m), (4) (b), 69.16 (2) or 69.19.

**Added 9/5/2000**

69.22 (6) The state registrar may ~~provide free search and free~~ charge a reasonable fee for providing searches of vital records and for providing copies of vital records to state agencies for program use. The register of deeds may provide free searches and free copies to agencies in his or her county at the direction of the county board.

**Current:**

765.12 Marriage license, when authorized; corrections; contents. (1) If ss. 765.02, 765.05, 765.08 and 765.09 are complied with, and if there is no prohibition against or legal objection to the marriage, the county clerk shall issue a marriage license. With each marriage license the county clerk shall provide a pamphlet describing the causes and effects of fetal alcohol syndrome. After the application for the marriage license the clerk shall, upon the sworn statement of either of the applicants, correct any erroneous, false or insufficient statement in the marriage license or in the application therefor which shall come to the clerk's attention prior to the marriage and shall show the corrected statement as soon as reasonably possible to the other applicant.

Strike  
?

**Suggested New:**

765.12 Marriage license, when authorized; corrections; contents. (1) If ss. 765.02, 765.05, 765.08 and 765.09 are complied with, and if there is no prohibition against or legal objection to the marriage, the county clerk shall issue a marriage license. With each marriage license the county clerk shall provide a pamphlet describing the causes and effects of fetal alcohol syndrome. If, after completion of the marriage license application, the clerk is notified in writing by one of the applicants that any of the information provided for the license is erroneous, the clerk shall notify the other applicant of the correction as soon as reasonably possible. If the marriage license has not been issued, the clerk shall prepare a new license with the correct information entered. If the marriage license has been issued, the clerk shall immediately send a letter of correction to the state registrar to amend the erroneous information.

21

**Current:**

765.13 Form of marriage document. The marriage document shall contain the social security number of each party, as well as any other informational items that the department of health and family services determines are necessary and shall agree in the main with the standard form recommended by the federal agency responsible for national vital statistics. It shall contain a notification of the time limits of the authorization to marry, a notation that the issue of the marriage license shall not be deemed to remove or dispense with any legal disability, impediment or prohibition rendering marriage between the parties illegal, and the signature of the county clerk, who shall acquire the information for the marriage document and enter it in its proper place when the marriage license is issued.

**Suggested New:**

765.13 Form of marriage document. The marriage document shall consist of the marriage license and the marriage license worksheet. The marriage license shall contain a notification of the time limits of the authorization to marry, a notation that the issue of the marriage license shall not be deemed to remove or dispense with any legal disability, impediment or prohibition rendering marriage between the parties illegal, and the signature of the county clerk, who shall acquire the information for the marriage document and enter it in its proper place when the marriage license is issued. The marriage license worksheet shall contain the social security number of each party, as well as any other informational items that the department of health and family services determines are necessary and shall agree in the main with the standard form recommended by the federal agency responsible for national vital statistics. The county clerk shall transmit the marriage license worksheet to the state registrar within 5 days of the date of issuance of the marriage license.

22

**Current/Suggested New Fees:**

69.22(5)(a) The state registrar shall collect the following fees:

(a) Ten dollars for:

1. Making any change under 69.11(4) .
2. Making *any change* ordered by a court under s.69.12(3) or 69.15(4)(a)
3. Making *any change* in a birth certificate under 69.15(3)

(b) Twenty dollars for:

1. Any new vital record registered under 69.12(4), 69.15(2), 69.15(3m), 69.15(4)(b), 69.14(2)(b), 69.16(2), 69.19.

*redundant;  
which  
version  
do we  
use.*

The following suggested changes are added as of 8/31/2000

The following changes are proposed new sections to Chapter 69. These changes are needed to make the statutes consistent and to curtail the growing misuse of s. 69.12 in changing or establishing paternity. The changes also provide stronger disincentives to falsifying information in the preparation of birth certificates.

23

**Suggested New:**

69.12(5) A change in the marital status on the birth record may only be requested under this subsection if the marital status is inconsistent with father or husband information appearing on the birth certificate. This ~~subsection cannot~~ be used to add or delete the name of a parent on the birth certificate or change the identity of either parent named on the certificate, ~~which may be accomplished under provisions in s. 69.13 or s. 69.15.~~

may not

24

**Suggested New:**

69.13 Correction of Facts Misrepresented by the Birth Certificate Informant. The state registrar may correct information about the parent(s) and the marital status of the mother on a birth certificate registered in this state under a court order issued by the circuit court in the county in which the birth occurred, under the following conditions:

is unable to

any?  
all?  
Do all conditions have to apply?

(1) The correction ~~cannot~~ be accomplished under s. 69.11 or 69.12 because the disputed information was misrepresented by the informant during the preparation of the birth certificate

(2) The state registrar receives a court order on a form prescribed by the state registrar and that court order is accompanied by:

- (a) The petition filed by a person with a direct and tangible interest in the birth certificate.
- (b) All supporting evidence listed in (c) that was presented to correct the facts in effect at the time of birth concerning the marital status of the mother or the identity of either parent.
- (c) Certification that supporting evidence ~~shall~~ other than oral testimony was presented. The court shall list the supporting evidence in the court order.

all B the following?

The supporting evidence ~~will~~ include the following:

- 1. A certified copy of the original birth certificate.
- 2. A copy of the ~~hospital~~ birth worksheet and any other supporting documentation from the hospital of birth.
- 3. If relevant, a certified copy of a marriage certificate, a certified copy of a divorce certificate or a final divorce decree indicating that the mother was not married to the person listed as her husband at any time during the pregnancy, a legal name change order or any other legal document clarifying the disputed facts.
- 4. A statement signed by the birth certificate informant or the petitioner acknowledging that the disputed facts were misrepresented.
- 5. The fee prescribed under 69.22(5).

all?

if not born in hospital?

(b)1.

Change to Notice of Removal and Report for Final Disposition filing procedures [ss. 69.18(1)(d) and 69.18(3)(a)] are needed to deal with the growing numbers of hospice facilities within

25

**Current**

69.18(1)(d) A hospital or nursing home may not release a corpse to any person under par. (a) unless the person presents a notice of removal on a form prescribed by the state registrar, in duplicate, to the administrator of the hospital or nursing home. The administrator shall retain one copy and forward the other copy to the local registrar of the registration district in which the hospital or nursing home is located.

**Suggested New:**

69.18(1)(d) A hospital, <sup>another</sup> or nursing home or a health care entity such as a hospice ~~operating within a hospital or nursing home~~ may not release a corpse to any person under par. (a) unless the person presents a notice of removal on a form prescribed by the state registrar, in duplicate, to the administrator of the ~~hospital or nursing home~~ <sup>health care facility</sup> ~~health care facility~~. The administrator shall retain one copy and forward the other copy to the local registrar of the registration district in which the ~~hospital or nursing home~~ <sup>health care entity</sup> ~~health care entity~~ is located or shall transmit the data electronically in a manner and format prescribed by the state registrar. restore

? ?  
Some hospices are free standing

26

**Current**

69.18(3) Requirements for disposition of a corpse or stillbirth. (a) Except as provided under par. (c) or (e), the person who has moved a corpse under sub. (1) (a) shall complete a report for final disposition, on a form supplied by the state registrar, and, within 24 hours after being notified of the death, mail or present a copy of the report to the coroner or medical examiner in the county of the place of death and mail or present a copy to the local registrar in the registration district of the place of death. If the cause of death is subject to an investigation under s. 979.01 or 979.03, the report for final disposition shall be submitted to the coroner or medical examiner in the county in which the event which caused the death occurred.

? diff-term.

**Suggested New:**

69.18(3) Requirements for disposition of a corpse or stillbirth. (a) Except as provided under par. (c) or (e), the person who has moved a corpse under sub. (1) (a) shall complete a report for final disposition, on a form supplied by the state registrar, and, within 24 hours after being notified of the death, mail or present a copy of the report to the coroner or medical examiner in the county of the place of death and mail or present a copy to the local registrar in the registration district of the place of death or transmit the data electronically in a manner and format prescribed by the state registrar. If the cause of death is subject to an investigation under s. 979.01 or 979.03, the report for final disposition shall be submitted to the coroner or medical examiner in the county in which the event which caused the death occurred.

← does apply to both ?

## APPENDIX A

### Section 1

(Items Directly Related to Budget Proposal on Automation of Vital Records)

- Change the death record registration statutes to allow for automated filing and issuance of death records: 69.01 (26), 69.08, 69.18, 69.21
- Change the marriage record registration statutes to allow for automated filing and issuance of marriage records: 69.01 (26), 69.08, 69.21, 765.12, 765.13
- Change the divorce/annulment record registration statutes to allow for automated filing and issuance of divorce/annulment records: 69.01 (26), 69.08, 69.17, 69.21
- Change the fee structure for issuance of vital records and for processing charges for certain activities: 69.22

### Section 2

(Items Not Directly Related to Budget Proposal on Automation of Vital Records)  
(Fraud Prevention/Privacy Issues/Clean-up Language)

- Define date of death to conform with the death record: new 69.01 (13r)
- Better define "research" to protect the privacy of registrants and their families: 69.01(22)
- Include prevention of fraudulent uses of vital records and protection of the privacy of registrants and their families in the statute authorizing promulgation of rules: 69.20 (4)
- To help alleviate fraudulent uses of vital records and protect the privacy of registrants and their families, define what data elements constitute a public index and specify the earliest dates public indexes can be produced for each record and under what conditions. Birth records and associated index information are continually being impounded by court actions. While public indexes can be updated within the state and local vital records office, release of copies of public birth indexes is contrary to court directives and we propose that reproduction of birth indexes be prohibited until 100 years have passed from the year of birth (this is the system used by many states). Death, marriage and divorce indexes could be reproduced for the public after 2 years: 69.03 (5), 69.06 (2), 69.07 (2), 69.11 (4)(b), 69.12 (5), new 69.13 new 69.20 (3b)

- To protect the privacy of the families of decedents, allow for a 3-part death record certification. It would consist of a short form fact of death, long form with exact cause of death and a section for statistical data only that would not appear on a certified or uncertified copy of a death record. Specify who may obtain copies of each portion of the form: new 69.18 (1a), 69.20 (2) (a), new 69.20 (2) (g), 69.21 (1) (b) 4. And new 69.21 (1) (b) 5
- Correct statutory language to reflect the current method of filing birth records: 69.14 (1)
- Correct statutory language to reflect current practices for amending vital records: 69.11 (3) (b) 3, 69.11 (4) (b), 69.11 (5)
- Correct a variety of other minor statutory conflicts that do not reflect current practices for handling electronic vital records documents/data: (69.18 (1)(d), 69.18(3))

11/3/00 Ellen Haddidian, Peggy Peterson, Linda Langlois

✓ 1. Delete "legal" from proposed def. of legal date of death

✓ 2. 69.03(5) keep all current law ↓ To be used

ref. is 69.20(3)(e) in 69.20  
(2)(c)

✓ 3. 69.08<sup>(a)</sup> - Subsection should be section - use defined term for system

✓ 4. 69.11(4)(b) birth record - shd be birth certif.

everything else ok

✓ 5. 69.11(5)(a) 2. c. Affix - shd be Make

✓ 6. 69.14(1)(a) 1.

file with the state registrar

~~Subchapter, and the state registrar shall make and a copy shall be filed with the regis. district~~ who shall the birth certif

under this subchapter and shall make a copy

avail. to the regis. dist. in which the birth

occurs and the regist dist. in which the

mother <sup>of the registration</sup> resided at the time of birth.

7. 69.18(1b) - use certif of death, not death record

My changes are correct

- certificate of <sup>birth death, etc.</sup> divorce or annulment

✓ 8. 69.20(2)(a) - delete "subject is a decedent" w/for a certif.

of death

Instead of next of kin use persons listed

under 69.18(1)(a) 1 to 6.

✓ 9. 69.20(3)(e) - make term changes re certif. as in

69.18(1b)

Jan. 1, 2003

2 yrs shd. be 24 mo

✓ 10. ~~Sec~~ 69.21(1)(a) 2<sup>b</sup> - same as 69.20(2)(a)

- include "and (c)"

✓ 11. 765.12 Strike sentence beginning w/ "After" in c.1.

12. 69.13 (intro.) all conditions

(2) all of the following

(c) all of the following

See E-Mail

69.13 (2)(c) , If the birth occurred in a hosp

2. If the birth did not occur in a hospital,  
a statement from the <sup>birth</sup> attendant

5. should be 69.22(5)(b)1.

✓ 13. 69.18 (1)(d) hosp., n. h. or hospice as defined  
under 50.90(1)(c)

✓ 14. 69.18 (3) - elec. transmss. is alt. to both  
mailings

## Kennedy, Debora

---

**From:** Kennedy, Debora  
**Sent:** Tuesday, November 07, 2000 4:16 PM  
**To:** Hadidian, Ellen  
**Subject:** Proposed legislation for vital records

Language proposed for this draft creates a new provision concerning the format of certificates of death (in the proposed language, it is numbered as s. 69.18 (1a); I have numbered it to be s. 69.18 (1m). The format language requires that, beginning January 1, 2003, certificates of death have three parts:

1. Fact-of-death information
2. Extended fact-of-death information (which includes all of the information in 1., plus more specified information)
3. Statistical-use-only information.

When I looked hard at this language, the following questions came up:

1. Will the state registrar be issuing new certificate of death forms? If so, shouldn't s. 69.18 (1) (b) (intro.) be amended to indicate use of the new form after December 31, 2002?
2. Should s. 69.18 (1) (bm) (intro.) be amended to require that a person fill out all parts of the death certificate? (Another, and perhaps better, way to handle this would be to define "certificate of death", for purposes of the subchapter, as including all parts, as specified in s. 69.18 (1m).)
3. However, this issue is (of course) not that simple; s. 69.18 (2) (a), stats., states that "[O]n the form for a certificate of death prescribed by the state registrar under sub. (1) (b), the state registrar shall provide for a separate medical certification section to be completed under this subsection." Is this different from the "parts"? If so, then the proposed definition in 2. doesn't completely work. Also, s. 69.18 (2) (d) 1. and 2., stats., refer to "the medical certification part of the death certificate"; this will have to be amended in some way or else the language proposed for s. 69.18 (2m), which says that a certificate of death shall consist of 3 parts (fact-of-death, extended fact-of-death and statistical-use-only) will have to be changed.
4. Yet another complication is the fact that s. 69.20 (2) (a), stats., is being amended in the draft to include certificates of death. Language in that paragraph refers to "information in the part of a . . . certificate . . . designated on the form as being collected for statistical or medical and statistical use only may not be disclosed . . ." It is unclear to me which of the three parts of the new certificate of death corresponds to "medical and statistical" in this context. The same reference to "statistical or medical and statistical use" in connection with a death certificate occurs in s. 69.24 (2) (b), stats., and poses the same problem.

I would appreciate your conveying these questions and concerns to Peggy Peterson, Linda Langlois or whomever else you think necessary, for answers or solutions. Thank you.

Debora A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
debora.kennedy@legis.state.wi.us

## Kennedy, Debora

---

**From:** Hadidian, Ellen  
**Sent:** Friday, November 17, 2000 9:02 AM  
**To:** Kennedy, Debora  
**Subject:** Fwd: answers to questions



answerst.doc

Debora,

Here is a response to your questions from Peggy Peterson in Vital Records.  
Please let me know if you have further questions.

Ellen

-----Original Message-----

Date: 11/17/2000 08:54 am -0600 (Friday)  
From: Peggy Peterson  
To: Hadidian, Ellen; Kennedy, Debora  
Subject: answers to questions

I hope the attached responses help.

Responses:

These are all very good questions. I hope I can come up with good answers!

✓ 1. We will be issuing new forms, but I think we have that covered under 69.03(8). The reason we are going to a confidential portion of a death record is that we will be complying with the national model death record that will change in 2003 and will include more "behavioral risk" type questions that do not belong in a public record.

2. You are right. This needs to be addressed. I think 69.18(1)(bm)(intro) could be amended to say ...shall obtain the information required for the certificate including relevant statistical information described in 69(18)(1b). We would also need to add a requirement to 69.18(2) (a) that the medical certification section include statistical health information as described in 69(18)(1b). Would that work?

No; there is no medical certification section any more

3. See above.

4. I see your point on the "medical and statistical". Could that phrase be changed to "statistical use only information as described in 69.18(1b)(c)"?

→ Does this get all the info needed?

5. I'm not sure about the problem with this. Basically, we thought "show the corrected statement" implied that they had to physically show the form to the other applicant. That might be a problem for students, military personnel and others who must travel a long distance and are not planning to return to the place the marriage license was issued. The new language would allow verbal (phone) notification of a change. This provision is important if one party misleads another as to the number of previous marriages, age, etc. However, if the correction were just a middle name change for the father of the groom, it would hardly warrant a trip back from California!

See D-Note; this answer does not address the problems

Mtg. "1/28/00 Peggy Peterson, Ellen Hadidian - 0726

- ✓ ok 1. Drafted 69.13 (2)(d) as separate from 69.13 (2)(b) or (c);  
seems that fee under 69.13 (2)(d) is not supporting evidence;  
right? Or is it that the fee must be presented to the  
ct. before it's pd. to the st. registrar?
- ✓ Yes 2. In light of addition of "hospice" to 69.18 (1)(d),  
69.18 (1)(c) shd also be amended?
- ✓ Yes 3. " 69.15 (1)(b) → 767.62(5)(b)
- ✓ 4. Look at 69.22 (5)(b) 1. → it's a \$20 fee for new  
vital records. Proposed were records under 69.13 +  
69.15 (4)(b) but they're not new - they're corrected  
Proposed lang doesn't mention new records under  
69.15 (6) - Review my changes  
WRONG - is new
- ✓ 5. Look at 765.12(1)  
If other marr. license applicant objects to change,  
what does clerk do? - ok - each app enters only h/ her own info  
Is "info provided for license" correct or shd it be  
"info included on the license"? (Former seems to refer only  
to info app. provided, but not any error by the clerk.) No  
Re error by clerk: prepare new license or  
send letter of correction

6. 69.18 (1)(b) (intro.) needs to be am. to refer to "the most recent form prescribed by the st. registrar"; otherwise could argue that a "form prescribed by the st. registrar" refers to an outdated form. - NO - but fix 69.08(1) "prescribed or supplied"

7. Basic problem w/ death certifs: lang under 69.18 (1u) (a) to (c) doesn't conform to current stat. reqs for info

or to current stat reference to terms ("medical certification" and "statistical and medical use only")

Solution

Death certif

~~Def. is~~ Medical certification

✓/✓ regist. 69.11 (3) (b) 2. ~~(change to)~~ <sup>ref. to</sup> ~~mid certification~~

69.18 (1) (bm) delete under sub. (2)

✓/✓ ok 69.18 (2) (a) - not ok - amend out a separate section

(b)

(d) 1. take out part of the death certif

2. "

(f) <sup>1, 2, 3</sup>

215.26 (8) (e) 2. - what parts wd. this include?

medical statistical

✓/✓ 69.20 (2) (a) - see draft

(b)

69.24 (2) (b) - am. to make clause modify only birth certifs

means cause of d that manner of d. injury-related data any other medically-related data collected as prescribed by the State registrar

under s. 69.18 (1u) (c) 2.

Death certificate is used in following:

69.04 (2) (c), 69.05 (3) (intro.), (a), (b) 2., 69.18 (2) (b), (d) 1., 2., (e), 69.19, 69.21 (1) (b) 3, 4, 69.24 (1) (b), (c), (d), (e), (h), (2) (b)