



---

---

## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

---

---

<b>2003 Wisconsin Act 300</b> [2003 Senate Bill 399]	<b>Certificate of Birth Resulting in Stillbirth</b>
2003 Acts: <a href="http://www.legis.state.wi.us/2003/data/acts/">www.legis.state.wi.us/2003/data/acts/</a>	Act Memos: <a href="http://www.legis.state.wi.us/lc/act_memo/act_memo.htm">www.legis.state.wi.us/lc/act_memo/act_memo.htm</a>

2003 Wisconsin Act 300 creates a new statute relating to certificates of birth resulting in stillbirth.

Under the statutes that existed prior to Act 300, if a death is a miscarriage and 20 weeks or more have elapsed between the mother's last normal menstrual period and delivery or the stillbirth weighs 350 grams or more, a fetal death report must be submitted to the state registrar within five days after delivery. If the miscarriage occurs at or on route to a hospital, the person who manages the hospital or the hospital's medical records must prepare the fetal death report. If the miscarriage does not occur at or on route to a hospital, the funeral director or other person authorized by at least one parent of the stillbirth must prepare the fetal death report.

Under the Act, if a birth that occurs in Wisconsin on or after August 1, 2004, results in a stillbirth for which a fetal death report is required (as described above), the party responsible for filing the fetal death report must advise the parent or parents of all of the following: (1) that they may request preparation of a certificate of birth resulting in stillbirth; (2) that preparation of the certificate is optional; and (3) how to obtain a certified copy of the certificate if one is requested and prepared. If the parent or parents wish to have such a certificate prepared, the party responsible for filing the fetal death report must, within five days after delivery, prepare and file the certificate of birth resulting in stillbirth with the state registrar. If the parent or parents do not wish to provide a name, the person preparing the certificate must leave blank any reference to the name.

In addition, the Act provides that if a birth that occurred in this state at any time resulted in a stillbirth for which a fetal death report was required, but a certificate of birth resulting in stillbirth was not prepared, a parent of the stillbirth may, on or after August 1, 2004, submit to the state registrar a written request for preparation of such a certificate and evidence of the facts of the stillbirth that is satisfactory to the state registrar. The state registrar is required to prepare and file the certificate of birth resulting in stillbirth within 30 days after receiving satisfactory evidence of the facts.

---

---

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

The Act requires the state registrar to prescribe the form of, and information to be included on, a certificate of birth resulting in stillbirth. The certificate must be as similar as possible to the form of and information included on a birth certificate. In addition, the Act requires the state registrar to issue a certified copy of a certificate of birth resulting in stillbirth to a parent of the stillbirth if all of the following conditions are satisfied: (1) a certificate of birth resulting in stillbirth has been prepared and filed; (2) the parent requesting the certified copy submits the request in writing; and (3) the request is accompanied by the required fee, which is \$10 for issuing one certified copy and \$3 for any additional certified copy of the same certificate issued at the same time.

***Effective Date:*** The Act takes effect on May 5, 2004.

***Prepared by:*** Richard Sweet, Senior Staff Attorney

April 30, 2004

RNS:ksm:tlu