

CHAPTER 69

COLLECTION OF STATISTICS

SUBCHAPTER I
VITAL STATISTICS

69 01	Definitions.
69 02	Department powers and duties.
69 03	Powers and duties of state registrar.
69 035	Treatment by state registrar of tribal vital records and tribal court orders
69 04	Local registration district
69 05	Duties of local registrar
69 06	Duties of city registrars
69 07	Duties of register of deeds.
69 08	Requirements for registration.
69 09	Corrections prior to filing
69 10	Correction of obvious errors
69 11	Amendments without court order
69 12	Entry of true facts by court order.
69 14	Registration of births
69 15	Changes of fact on birth certificates
69 16	Marriage documents.
69 17	Divorce report.
69 18	Death records

69 186	Induced abortion reporting
69 19	Court-ordered certificates of death
69 20	Disclosure of information from vital records.
69 21	Copies of vital records
69 22	Fees.
69 23	Costs for collecting delinquent certificates
69 24	Penalties
69 30	Authorized copying of vital records

SUBCHAPTER II
GENERAL STATISTICS

69 60	Taxes and bonds.
69 61	Annual statement of taxes.
69 62	Returns to department of revenue
69 63	Department of revenue, duties.
69 64	Realty statistics; items
69 65	Statistics compiled, use of; county clerk's duties
69 66	Agricultural statistics.
69 67	Returns may be sent for; expense
69 68	Statement of indebtedness to secretary of state
69 69	Neglect of duty.

SUBCHAPTER I

VITAL STATISTICS

69.01 Definitions. In this subchapter:

- (2) "Certifier of the cause of death" means a physician, coroner or medical examiner acting under s. 69.18 (2).
- (3) "City registrar" means the local health officer of a local health department with jurisdiction for a city that is a registration district.
- (5) "Court report" means an abstract of a court action involving a vital record completed and certified by the clerk of court on a form supplied by the state registrar.
- (7) "Department" means the department of health and social services.
- (8) "Direction of the state registrar" means the determination in individual cases that statutes are being observed, the issuance of administrative rules, the imposition of statutory penalties and the maintenance of communications within the system of vital statistics.
- (10) "File" means the acceptance by the local registrar and the initial incorporation of vital records provided under this subchapter into the system of vital statistics.
- (11) "Filing party" means any person who submits a vital record to a local registrar for filing in the system of vital statistics.
- (12) "Final disposition" means the disposition of a corpse or stillbirth by burial, interment, entombment, cremation, delivery to a university or school under s. 157.02 (3) or delivery to a medical or dental school anatomy department under s. 157.06. "Final disposition" does not include disposition of the ashes produced by cremation of a corpse or stillbirth.
- (13) "Hospital" has the meaning given under s. 50.33 (2).
- (13m) "Induced abortion" means the termination of a uterine pregnancy by a physician of a woman known by the physician to be pregnant, for a purpose other than to produce a live birth or to remove a dead fetus.
- (14) "Local health department" has the meaning given in s. 250.01 (4).
- (15) "Local registrar" means:
- (a) The register of deeds responsible for filing vital records in the county except as provided under par. (b).

(b) The city registrar responsible for filing certificates of births or certificates of births and deaths in his or her city.

(16) "Marriage document" has the meaning given under s. 765.002 (4).

(17) "Person with a direct and tangible interest" means a person who satisfies the requirements under s. 69.20 (1).

(18) "Place of death" means the place where a pronouncement of a human death occurs or, if a death occurs in a conveyance or a corpse is found in interstate waters and removed in this state, the place where the corpse is removed.

(19) "Registrant" means the subject of a certificate which a local registrar has accepted for filing in the system of vital statistics.

(20) "Registration" means final processing of vital records after filing and review for completeness and correctness by the local and state registrar.

(21) "Registration district" means a county, except that a city approved under s. 69.04 is a registration district for filing certificates of births or certificates of births and deaths occurring in the city.

(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.

(24) "State registrar" means the state registrar of vital statistics appointed by the department under s. 69.02 (1) (b).

(25) "System of vital statistics" means:

(a) The filing, registration, collection, preservation, amendment and certification of vital records under this subchapter.

(b) The collection of records, other than vital records, required under this subchapter.

(c) Activities related to the activities under pars. (a) and (b), including the tabulation, analysis and publication of vital statistics.

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

(27) "Vital statistics" means the data derived from certificates of birth, death, divorce or annulment, marriage documents, fetal death reports or related reports.

History: 1985 a 315; 1985 a 332 s. 253; 1991 a 39; 1993 a 27

69.02 Department powers and duties. (1) The department shall:

- (a) Establish a unit called the office of vital statistics.
- (b) Appoint a state registrar.

(2) (a) The department may promulgate administrative rules to administer this subchapter.

(b) The department shall promulgate administrative rules which establish procedures regarding the contents of and acceptance and registration of tribally related vital records submitted to the state registrar by tribal courts and procedures for responding to court orders issued by tribal courts regarding tribally related vital records, as required under s. 69.035.

History: 1985 a 315; 1989 a 194.

69.03 Powers and duties of state registrar. The state registrar shall:

(1) Administer and enforce this subchapter.

(2) Direct the system of vital statistics.

(3) Supervise the office of vital statistics.

(4) Act as custodian of all records in the office of vital statistics and preserve, index and certify the records by photographic, electronic or other means, as determined by the state registrar.

(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.

(6) Direct any activity related to the operation of the system of vital statistics.

(7) Conduct training programs to promote uniformity of policy and procedures in this state in the system of vital statistics.

(8) Prescribe, furnish and distribute forms required under this subchapter and ch. 765 and prescribe any other means for transmission of data necessary to accomplish complete and accurate reporting and registration. When reasonable and possible the state registrar shall base the prescribed forms on the standard forms recommended by the federal agency responsible for administering the national system of vital statistics.

(9) Prepare and publish an annual report of vital statistics.

(10) At the request of a local health department, provide the local health department with vital statistics for local health planning and program activities and establish a schedule with the local health department for transmittal of the vital statistics.

(11) Provide a copy or notice of any vital record or court-ordered change of fact prepared by the state registrar under ss. 69.14 (1) (h) and (2) (a) and (b) 5., 69.15, 69.16 (2) and 69.19 or any authorization for an amendment under ss. 69.11 and 69.12 to the register of deeds of the county where the event which is the subject of the vital record, change of fact or amendment occurred and, if the event occurred in a city which is a registration district and responsible for registering the event, to the city registrar of the city.

(12) Accept fetal death reports under s. 69.18 (1) (e). The state registrar may record the information on the reports for use in medical research and may use the information to compile statistics. After recording the information on a fetal death report, the state registrar shall destroy the report.

(13) As the state registrar determines necessary, report violations of this subchapter to the district attorney of the county in which the violation is alleged to have occurred and include a statement of facts and circumstances. The state registrar may request the assistance of the department of justice as he or she determines necessary for the enforcement of this subchapter.

(14) Provide hospitals with a pamphlet containing information for parents about birth certificates including how to add the name of the father of a child whose parents were not married at any time from the conception to the birth of the child to the birth certificate under s. 69.15 (3) (b) or, if the father will not sign an affidavit,

through a paternity action; the legal significance and future medical advantages to the child of having the father's name inserted on the birth certificate; and the availability of services under s. 46.25.

(15) Periodically provide to each county designee under s. 59.07 (97) a list of names and, notwithstanding s. 69.20 (2) (a), addresses of registrants who reside in that county for whom no father's name has been inserted on the registrant's birth certificate within 6 months of birth.

History: 1985 a 315; 1987 a 413; 1993 a 27.

69.035 Treatment by state registrar of tribal vital records and tribal court orders. (1) The state registrar shall accept and register valid vital records submitted by tribal courts,

consistent with the manner in which vital records submitted by local registrars or city registrars are handled, and shall recognize and honor orders from tribal courts in this state relating to vital records which pertain to tribally related events.

(2) Wherever this subchapter provides for acceptance and registration by the state registrar of vital records submitted by local registrars, city registrars or clerks of circuit courts, the state registrar shall also accept and register, in a like manner, comparable vital records pertaining to tribally related events submitted by the court of any federally recognized Indian tribe or band in this state.

(3) Wherever this subchapter provides for correction or delayed registration, without court order, of vital records submitted by local registrars or city registrars, the state registrar shall also correct or register, in a like manner, comparable vital records pertaining to tribally related events submitted by any federally recognized Indian tribe or band in this state.

(4) Wherever this subchapter provides for correction, delayed registration, copying or determination of the validity of, or disclosure of information from, vital records, pursuant to an order of a court, circuit court or court of competent jurisdiction, the state registrar shall, in a like manner, correct, register, copy, determine the validity of, or disclose information from, comparable vital records pertaining to tribally related events, pursuant to an order of the court of any federally recognized Indian tribe or band in this state. In order for the state registrar to provide access to an original birth certificate or any accompanying documents in an adoption case, the tribal court which orders access to such records or documents shall be the court with jurisdiction over the adoption.

History: 1989 a 194.

69.04 Local registration district. (1) (a) 1. The state registrar may approve a city as a registration district for registration of births occurring in the city if the state registrar determines that the city has a facility which provides obstetrical care and a local health department with jurisdiction for the city that is administered by a full-time local health officer with a deputy who is authorized to act in place of the local health officer during the officer's absence, illness or disability and staff, office space and other resources for the proper administration of birth records, makes reasonable use of public health data derived from birth records and suitably preserves and cares for official city birth records.

2. The state registrar may approve a city as a registration district for registration of deaths occurring in the city if the state registrar has approved the city for registration of births under subd. 1. and if the state registrar determines that the city has staff, office space and other resources for the proper administration of death records, makes reasonable use of public health data derived from death records and suitably preserves and cares for official city death records.

(b) The state registrar may withdraw the approval given under par. (a) if the city fails to meet the requirements under par. (a).

(2) (a) The county register of deeds office shall be the place for filing vital records except as provided under pars. (b) and (c).

(b) If a birth occurs in a city which is a registration district, the office of the city registrar shall be the place for filing the birth certificate.

(c) If a death occurs in a city which is a registration district approved by the state registrar for registering death certificates, the office of the city registrar shall be the place for filing.

(3) Any city which is not a registration district shall dispose of any vital records which it has filed as follows:

(a) Offer all records of events occurring prior to October 1, 1907, to the state historical society.

(b) Offer the records of each event occurring after September 30, 1907, to the register of deeds of the county in which the event occurred.

(c) Destroy any record which the state historical society or the register of deeds does not accept under par. (a) or (b).

History: 1985 a. 315; 1985 a. 332 s. 253; 1993 a. 27.

69.05 Duties of local registrar. A local registrar shall:

(1) Be subject to the direction of the state registrar.

(2) Transmit to the state registrar, within 10 working days after receipt, any original vital record.

(3) If the county of residence of a registrant of a birth or death certificate accepted for filing is different than the county in which the local registrar is located, forward to the register of the deeds of the registrant's county of residence within 10 working days after receipt:

(a) A copy of every original birth or death certificate accepted for filing.

(b) A copy of any copy received from the state registrar under s. 69.03 (11).

(3m) If the mother of a registrant of a birth certificate resides in a city and the birth certificate is not filed in such city, send a copy of the birth certificate to the local health department with jurisdiction for the city if:

(a) The local health department has a maternal-child visitation or information program;

(b) The local health department has requested the copy and notified the state registrar of its request; and

(c) The state registrar has approved the request.

(4) Preserve, amend and certify vital records under this subchapter by photographic, electronic or other means as directed by the state registrar, except that a local registrar may destroy birth certificates on file for more than 365 days if the state registrar determines that the local registrar has access through the state registrar's computer data base to the information necessary to issue certified copies under s. 69.21 (1) (b) 2.

(5) Enforce this subchapter in his or her registration district and report to the state registrar in writing any violation upon receipt of knowledge of the violation.

(6) Transmit to the state registrar, no later than 5 working days after receipt and without making any copy, any report of spontaneous fetal death under s. 69.18 (1) (e) which occurs in the jurisdiction of the registrar.

(7) Send a note of the designation of a deputy to the state registrar no later than one working day after the designation takes effect. The notice shall include a copy of the deputy's signature and the effective date of the designation.

History: 1985 a. 315; 1989 a. 359; 1993 a. 27.

Local registrar has no power to adopt procedures more stringent than those directed by the state registrar for issuing certified copies of a vital record under 69.21 (1) 80 Atty Gen 35.

69.06 Duties of city registrars. A city registrar shall:

(1) Accept for filing, sign and assign a date of acceptance to every original certificate of birth and death which he or she has been approved to register under s. 69.04 and which is properly presented in his or her office.

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

(3) No later than 5 working days after receipt of the original of any vital record accepted under sub. (1), transmit a clear, reproducible photocopy of the original to the register of deeds of the county in which the event which is the subject of the record occurred.

(4) Designate in writing a deputy to perform the city registrar's duties under this section during the city registrar's absence, illness or disability.

(5) Destroy, within 365 days after receipt, any copy of a birth certificate received under s. 69.05 (3m). A city registrar may not issue such copy to any person.

History: 1985 a. 315

69.07 Duties of register of deeds. The county register of deeds shall:

(1) Accept for filing, sign and assign a date of acceptance to every original vital record properly presented in his or her office.

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

(3) Designate a deputy appointed under s. 59.50 to perform the register of deeds' duties under this section during the register of deeds' absence, illness or disability.

History: 1985 a. 315

69.08 Requirements for registration. The state registrar may not register a vital record unless the record:

(1) Is on a form supplied for the record by the state registrar.

(2) Is prepared on a typewriter with unworn black ribbon or printed legibly in black permanent ink applied directly to the form paper.

(3) Supplies all items of information required by the form or gives a reason approved by the state registrar for the omission of any item.

(4) Contains proper and consistent data.

(5) Contains the signatures which are required on the form and which are written in black permanent ink applied directly to the form paper.

(6) Is free of correction fluid, correction tape and erasures and is free of any alteration made without a written explanation which has been approved by the state registrar.

(7) Contains the dated signature of the local registrar.

(8) Is prepared under rules promulgated by the department.

History: 1985 a. 315

69.09 Corrections prior to filing. If prior to filing a vital record a local registrar determines that the record has an omission or error in information, the local registrar shall return the record to the filing party for correction or replacement, except as provided under s. 69.10 (2). The filing party shall correct or replace any such record within 5 working days after it is received by the filing party.

History: 1985 a. 315

69.10 Correction of obvious errors. (1) Until 365 days after the occurrence of an event which is the subject of a vital record:

(a) The state registrar may return a vital record to a local registrar for correction under s. 69.09 if the state registrar determines that the record should not have been filed prior to correction.

(b) The state registrar or a local registrar may correct an error in the record if he or she determines that the error is obviously inadvertent.

(2) A person with a direct and tangible interest in a vital record may petition a court to order a correction in the record under this section if the state or local registrar with whom the record is filed fails to make the correction.

History: 1985 a. 315

69.11 Amendments without court order. (1) In this section, "amend" means to change information in an item on a

vital record that was incorrect when the vital record was filed or to insert information omitted from an item on a vital record when the vital record was filed.

(2) If a vital record has been filed, any item on the record may be amended one time under this section.

(3) (a) Until 365 days after the occurrence of an event which is the subject of a vital record, the state registrar, with satisfactory evidence that information in an item on a vital record was incorrect or omitted when the record was filed, may amend the record except as provided under par. (b).

(b) Until 365 days after the occurrence of an event which is the subject of a vital record, the state registrar may amend the following information on a vital record:

1. Name, sex, date of birth, place of birth, parents' surnames and marital status of parents, if the vital record is a birth certificate and if the amendment is accompanied by a statement which the filing party has submitted to support the amendment.

2. Cause of death, if the vital record is a death certificate and if the amendment is accompanied by a statement which the person who signed the medical certificate part of the death certificate under s. 69.18 (2) has submitted to support the amendment.

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.

(c) The following, on a form supplied by the state registrar, may request the state registrar to act under this subsection:

1. Any person with a direct and tangible interest in the record.
2. A certifier of the cause of death.

(d) The state registrar shall amend a vital record under this subsection if a local registrar:

1. Notifies the filing party, a certifier of the cause of death or the county clerk responsible for the vital record of the need for correct information;

2. Obtains the correct information from the person notified under subd. 1.;

3. Changes the information on his or her copy of the vital record; and

4. Sends a notice of the amendment under subd. 3. to the state registrar.

(e) 1. If the state registrar determines that a vital record should be amended under this subsection, he or she shall send a notice of the need for an amendment to the filing party, the certifier of the cause of death or the county clerk responsible for the vital record or to the local registrar who filed the record. If the local registrar receives the notice, he or she shall obtain the correct information from the filing party, certifier of the cause of death or county clerk responsible for the vital record, change the information on his or her copy of the vital record and send a copy of the changed record to the state registrar.

2. A filing party who receives a notice under subd. 1. shall respond to the person who sent the notice within 10 working days after receipt of the notice.

(4) (a) Except as provided under par. (b), the state registrar may not amend any vital record if 365 days have elapsed since the occurrence of the event which is the subject of the vital record unless the state registrar has received a court order to make the amendment under s. 69.12.

(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.

(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.

(b) If under sub. (4) (b) the state or local registrar makes an amendment other than on the face of the original copy of a vital record, he or she shall file an amendment form which includes an affidavit by the person requesting the amendment, the information which is stricken, the information inserted and an abstract of the documents supporting the amendment.

History: 1985 a 315

69.12 Entry of true facts by court order. (1) If the state registrar cannot make an amendment to a vital record under s. 69.11 and a person with a direct and tangible interest in the vital record alleges that information on the vital record does not represent the actual facts in effect at the time the record was filed, the person may petition the circuit court of the county in which the event which is the subject of vital record is alleged to have occurred. The petition shall be accompanied by a certified copy of the original vital record. If the court finds that the petitioner has established the actual facts of the event in effect when the record was filed, the clerk of court shall report the court's determination to the state registrar on a form prescribed by the state registrar, along with the fee required under s. 69.22 (5) (a) 2. Upon receipt of the report, the state registrar shall, if information as to the cause of death on the original certificate of death is changed, act under sub. (4), or shall change the record under s. 69.11 (5) and send a notice of the change to the local registrar who shall make the change in the record filed in his or her office.

(2) A court may not order amendment of the names of the parents of a registrant on a birth certificate on the grounds of termination of parental rights or termination of custody.

(3) The state registrar shall amend under s. 69.11 (5) an item on a birth certificate as directed by an order under this section.

(4) (a) If information as to the cause of death on the original certificate of death is changed under the court's determination under sub. (1) and the court in accordance with the petition orders the creation of a new certificate of death, the state registrar shall do all of the following:

1. Prepare a new certificate of death, omit the changed information, including the name of the physician, coroner or medical examiner who certified the cause of death and enter any other original and any new information, including the name of the judge and the date of the order, sign the new information, enter any notation of support in the margin of the record and insert a note that the certificate of death has been amended.

2. Register a new certificate of death created under this subsection and impound the original certificate and all correspondence, affidavits, court orders and other related materials and prohibit access except by court order or except by the state registrar for processing purposes.

3. Send a copy of any new certificate of death registered under this subsection to the local registrar who filed the original of the replaced certificate of death.

(b) Upon receipt of the copy under par. (a) 3., the local registrar shall destroy his or her copy of the replaced certificate of death and file the new certificate of death.

History: 1985 a 315; 1993 a 346

69.14 Registration of births. (1) **FILING REQUIREMENTS**
(a) *Filing deadline.* 1. Except as provided under subd. 2., a certif-

icate 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.

2. A filing party shall send a certificate of birth for a birth in a city which has a local health department that is not a registration district to the local health department if the local health department has a maternal-child visitation or information program, if the local health department has filed with the state registrar a request that the certificate be sent to it and if the state registrar has approved the request. The state registrar may revoke his or her approval at any time.

3. Any local health department that accepts original birth certificates under subd. 2 shall:

a. Make a copy of the certificate and forward the original to the register of deeds within 2 days;

b. Send any copy required under s. 69.05 (3m) and issue no other copy to any person; and

c. Destroy its copy within 365 days after receipt.

(b) *Accuracy.* Either parent of a child who is the subject of a birth certificate, or, if neither parent is available, another person with knowledge of the facts of the birth, shall attest to the accuracy of the personal data entered on the certificate in time to permit the filing of the certificate within 5 days after the birth.

(c) *Filing party.* A birth certificate shall be prepared and filed by the following:

1. If the birth occurs at or on route to a hospital, the hospital administrator or his or her designee;

2. In the absence of a person under subd. 1., the physician in attendance at or immediately after the birth;

3. In the absence of a person under subd. 1. or 2., any other person in attendance at or immediately after the birth; or

4. In the absence of a person under subds. 1. to 3., the father or mother, or in the absence of the father and the inability of the mother, the person responsible for the premises where the birth occurs.

(cm) *Information concerning paternity.* For a birth which occurs en route to or at a hospital, the filing party shall give the mother a copy of the pamphlet under s. 69.03 (14). If the child's parents are not married at the time of the child's birth, the filing party shall give the mother a copy of the form prescribed by the state registrar under s. 69.15 (3) (b) 3. If the mother provides a completed form to the filing party while she is a patient in the hospital and within 5 days after the birth, the filing party shall send the form directly to the state registrar.

(d) *Place of birth.* 1. On a birth certificate the place of birth shall be the place where the placenta is removed except as provided under subd. 2.

2. If a birth occurs in a conveyance within the United States and the birth child is first removed from the conveyance in this state, the birth shall be filed in this state and the place where the birth child is first removed from the conveyance shall be the place of birth on the birth certificate. If a birth occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the birth child is first removed from the conveyance in this state, a birth certificate for the child shall be filed in this state and the place of birth on the birth certificate shall be the actual place of birth as determined by the filing party.

(e) *Father's name.* 1. If the mother of a registrant under this section was married at any time from the conception to the birth of the registrant, the name of the husband of the mother shall be entered on the birth certificate as the legal father of the registrant. The name of the father entered under this subdivision may not be changed except by a proceeding under ch. 767.

2. If the mother was not married at any time from the conception to the birth of a registrant under this section, no name of any alleged father of the registrant may be entered as the father on the birth certificate except as provided under s. 69.15 (3). If under this subdivision the name of the father of the registrant of a birth certifi-

cate is omitted from the certificate, no other information about the father may be entered on the certificate.

(f) *Registrant's name.* 1. a. Except as provided under subd. 1. b., if the mother of a registrant of a birth certificate under this section is married to the father of the registrant at any time from the conception to the birth of the registrant, the given name and surname which the mother and father of the registrant enter for the registrant on the birth certificate shall be the given name and surname filed and registered on the birth certificate.

b. If the mother of a registrant of a birth certificate under this section is married to the father of the registrant at any time from the conception to the birth of the registrant and the mother is separated or divorced from the father of the registrant at the time of birth, the given name and surname which the parent of the registrant with actual custody enters for the registrant on the birth certificate shall be the given name and surname filed and registered on the birth certificate, except that if a court has granted legal custody of the registrant, the given name and surname which the person with legal custody enters for the registrant on the birth certificate shall be the given name and surname filed and registered on the birth certificate.

c. If the mother of a registrant of a birth certificate under this section is not married to the father of the registrant at any time from the conception to the birth of the registrant, the given name and surname which the mother of the registrant enters for the registrant on the birth certificate shall be the given name and surname filed and registered on the birth certificate, except that if a court has granted legal custody of the registrant, the given name and surname which the person with legal custody enters for the registrant on the birth certificate shall be the given name and surname filed and registered on the birth certificate.

2. If no surname has been entered for a registrant within 5 days after the registrant's birth, the filing party shall file a birth certificate for the registrant without entering a surname on the birth certificate. The state registrar and any local registrar may not issue any certified copy of the birth certificate until a surname is entered under this paragraph.

(g) *Birth by artificial insemination.* If the registrant of a birth certificate under this section is born as a result of artificial insemination under the requirements of s. 891.40, the husband of the woman shall be considered the father of the registrant on the birth certificate. If the registrant is born as a result of artificial insemination which does not satisfy the requirements of s. 891.40, the information about the father of the registrant shall be omitted from the registrant's birth certificate.

(h) *Surrogate mother.* If the registrant of a birth certificate under this section is born to a surrogate mother, information about the surrogate mother shall be entered on the birth certificate and the information about the father shall be omitted from the birth certificate. If a court determines parental rights over the registrant, the clerk of court shall report the court's determination to the state registrar on a form prescribed by the state registrar, along with the fee required under s. 69.22. Upon receipt of the report, the state registrar shall prepare and register a new birth certificate for the registrant under s. 69.15 (6) and send a copy of the new certificate to the local registrar who filed the original certificate. Upon receipt of the copy, the local registrar shall destroy his or her copy of the replaced certificate and file the new certificate.

(2) **LATE REGISTRATIONS.** (a) *Registration 6 to 365 days after birth.* If a birth certificate is filed 6 to 365 days after the date of birth, the filing party shall use the form used for birth certificates filed under sub. (1). Before registering the certificate, the state registrar may require additional evidence in support of the facts of birth and an explanation of why the birth certificate was not filed under sub. (1). If a birth certificate filed under this subsection is signed by a person other than the person attending the birth or the person managing the institution where the birth occurred or its medical records, the state registrar may require a notarized statement of why the certificate was not filed under sub. (1).

(b) *Registration more than 365 days after birth.* 1. If more than 365 days have elapsed since the birth of a person born in this state and a certificate of the birth has not been filed in this state, such person or the parent or guardian of the person, if the person is living, may request that the state registrar register a birth certificate for the person under this paragraph.

2. Any person requesting a birth certificate under this paragraph shall establish the following facts by evidence documented under subd. 3.:

- a. The full name of the registrant given after the time of birth.
- b. The date and place of birth.
- c. The full maiden name of the mother.
- d. The full name of the father, except that if the mother was not married at the time of conception or birth or between conception and birth of the registrant, the name of the father may not be entered except as provided under s. 69.15 (3).

3. a. As evidence of the name, date and place of birth of a registrant for whom a birth certificate is requested under this paragraph, the person requesting the birth certificate shall present at least 2 pieces of documentary evidence for each item if the record is filed prior to 7 years after the date of birth or at least 3 pieces of documentary evidence for each item if the record is filed 7 years or more after the date of birth. Only one piece of documentary evidence per item may be an affidavit of personal knowledge.

b. As evidence of the parents of a registrant for whom a birth certificate is requested under this paragraph, the person requesting the birth certificate shall present at least one document which is not an affidavit of personal knowledge.

c. No document presented under this subdivision may be from a source which is the same as the source for any other such document. Every such document shall be in the form of the original document, shall be a duly certified copy of the original or shall be a signed statement from the custodian of the document.

d. Any document presented under this subdivision which is not an affidavit of personal knowledge shall have been established at least 10 years prior to the date the birth certificate is requested under this paragraph or shall have been established before the registrant's 10th birthday.

e. Any affidavit of personal knowledge presented under this paragraph shall be prepared by a parent, other relative or person and shall be signed before an official authorized to administer oaths. Any person signing an affidavit under this subparagraph shall be at least 10 years older than the registrant and shall have personal knowledge of the facts of the registrant's birth.

4. If the registrant of a certificate filed under this paragraph is 18 years of age or over and is competent to sign and swear to the accuracy of its facts, the registrant shall sign the certificate and swear to the accuracy of its facts before an official authorized to administer oaths. If the registrant is under 18 years of age or is not competent to sign and swear to the accuracy of the facts of such certificate, a person shall sign the certificate and swear to the accuracy of its facts as follows:

- a. One of the parents of the registrant.
- b. In the absence of any person under subd. 4. a., the guardian of the registrant.
- c. In the absence of any person under subd. 4. a. or b., the next of kin of the registrant.
- d. In the absence of any person under subds. 4. a. to c., any older person having personal knowledge of the facts of birth of the registrant.

5. The state registrar may deny a request for a birth certificate under this paragraph. If the state registrar approves a request for a birth certificate under this paragraph, he or she shall indicate plainly on the face of the certificate that the certificate has been registered under this paragraph and the date the certificate is registered and shall send a copy of the certificate to the local registrar under s. 69.03 (11). The local registrar shall file the certificate.

6. If the state registrar denies a request for registration of a birth certificate under this subsection, the person making the request may file a petition with the circuit court of the alleged county of birth for an order establishing a record of the date and place of the birth and the parentage of the person who would be the registrant. If the court finds that such person was born in this state, the court shall make findings as to the place and date of birth, parentage and any other required finding and shall issue an order, on a form prescribed and furnished by the state registrar, to register a birth certificate for the person. The order shall include the birth date to be registered, a description of the evidence presented and the date of the court's action.

7. On any birth certificate registered under this paragraph, the state registrar or his or her designated representative shall describe each document submitted under subd. 3. The abstract for each document shall include:

- a. The title or description of the document.
- b. The name and address of the affiant if the document is an affidavit of personal knowledge or the name and address of the custodian if the document is an original or certified copy of a record or a signed statement from a custodian.
- c. If the document was previously filed, the date of the filing.
- d. What birth facts the document contains.

8. On any birth certificate registered under this paragraph, the state registrar or his or her designated representative shall certify by his or her signature that:

- a. No other birth certificate is on file for the registrant.
- b. The state registrar or his or her designated representative has reviewed the evidence submitted under subd. 3.
- c. The abstract under subd. 7. accurately reflects the nature and content of the evidence submitted under subd. 3.

(3) REGISTRATION OF FOUNDLINGS. (a) Any person who assumes custody of a live born infant of unknown parentage shall file a birth certificate for the infant within 5 days after assuming custody and shall file the birth certificate with the following information:

1. The date the registrant was found.
2. The estimated date of birth of the registrant.
3. The address of the place where the registrant was found.
4. The sex and race of the registrant.
5. The name given to the registrant by the filing party.
6. The name, address and signature of the person with whom the registrant has been placed for care. The information under this subdivision shall be entered in the item on the birth certificate where information on the attendant at birth is required.

(b) A local registrar who accepts a birth certificate for filing under this subsection shall plainly mark "foundling" in the top margin of the certificate.

(c) If at any time after a birth certificate is filed for a registrant under this subsection a birth certificate filed for the registrant at the time of birth of the registrant is found or the registrant is adopted and the adoptive parents sign a birth record giving their names as the adoptive parents, the state registrar shall impound the birth certificate filed under this subsection and prohibit access except by court order or except by the state registrar for processing purposes.

History: 1985 a 315; 1987 a 413; 1993 a 27

Sub. (1) (f) 1. b. is not a gender-specific statute violating the right to equal protection. *Marriage of Steinbach v. Gustafson*, 177 W (2d) 178, 502 NW (2d) 156 (Ct App 1993)

69.15 Changes of fact on birth certificates.

(1) BIRTH CERTIFICATE INFORMATION CHANGES. The state registrar may change information on a birth certificate registered in this state which was correct at the time the birth certificate was filed under a court or administrative order issued in this state, in another state or in Canada or under the valid order of a court of any federally recognized Indian tribe, band or nation if:

(a) The order provides for an adoption, name change or name change with sex change or establishes paternity; and

(b) A clerk of court sends the state registrar a certified report of an order of a court in this state 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.

(2) ADOPTIONS (a) Except as provided under par. (b), if the state registrar receives an order under sub. (1) which provides for an adoption, the state registrar shall prepare, under sub. (6), a new certificate for the subject of the adoption unless the adoptive parents or the subject of the adoption requests, under s. 48.94, that no new certificate be prepared. If the order is from a court in this state, the order shall include a certified copy of the original birth certificate registered for the subject of the adoption. The new certificate shall show:

1. The name of the registrant
2. The date and place of birth as transcribed from the original certificate. The date and place on the original certificate may not be changed by the court.
3. The names and personal information of the adoptive parents unless otherwise indicated by the court order.
4. The hospital and time of birth as unknown.
5. The filing date on the original certificate.
6. Any other information necessary to complete the new certificate.

(b) If the state registrar receives an order under sub. (1) which provides for an adoption of any person born outside of the United States by any person who is a resident of this state at the time of adoption, and if the adoptive parents present proof of the facts of birth to the state registrar, the state registrar shall prepare a certification of birth data for the subject of the adoption. The certification shall indicate the date and place of birth, the child's adoptive name, the adoptive parents' names, and the sources of information of each of these facts. If neither of the birth parents of the subject of the adoption are U.S. citizens, the new certification may include proof of the naturalization of the subject of the adoption.

(c) If the state registrar determines that the registrant of a birth certificate was adopted without a change in the registrant's birth certificate under par. (a) or (b), the state registrar shall obtain a copy of the court order which provided for the adoption, if available, and shall prepare, under sub. (6), a new certificate for the registrant.

(3) PATERNITY (a) If the state registrar receives an order under sub. (1) which establishes paternity or determines that the man whose name appears on a registrant's birth certificate is not the father of the registrant, the state registrar shall do the following, as appropriate:

1. Prepare under sub. (6) a new certificate omitting the father's name if the order determines that the man whose name appears on a registrant's birth certificate is not the father of the registrant and if there is no adjudicated father.

2. Prepare under sub. (6) a new certificate for the subject of a paternity action changing the name of the father if the name of the adjudicated father is different than the name of the man on the birth certificate.

3. Except as provided under subd. 4., insert the name of the adjudicated father on the original birth certificate if the name of the father was omitted on the original certificate.

4. If the order provides for a change in the child's given name or surname or both, enter the name indicated on a new birth certificate prepared under subd. 1. or 2. or on the original birth certificate under subd. 3. except that if the surname of a child under 7 years of age is changed, the state registrar shall prepare a new certificate under sub. (6).

(b) 1. Except as provided under par. (c), if the state registrar receives a statement acknowledging paternity on a form prescribed by the state registrar and signed by both of the birth parents

of a child determined to be a marital child under s. 767.60, a certified copy of the parents' marriage certificate and the fee required under s. 69.22(5)(b)1., the state registrar shall insert the name of the husband from the marriage certificate as the father if the name of the father was omitted on the original birth certificate. The state registrar shall include on the form for the acknowledgment a notice of the information in s. 767.458(1)(a) to (e).

2. Except as provided under par. (c), if the parent of a child determined to be a marital child under s. 767.60 dies after his or her marriage and before the statement acknowledging paternity has been signed, the state registrar shall insert the name of the father under subd. 1. upon receipt of a court order determining that the husband was the father of the child.

3. Except as provided under par. (c), if the state registrar receives a statement acknowledging paternity on a form prescribed by the state registrar and signed by both parents, along with the fee under s. 69.22, the state registrar shall insert the name of the father under subd. 1. The state registrar shall mark the certificate to show that the form is on file. The form shall be available to the department or its designee under s. 59.07(97) pursuant to the program responsibilities under s. 46.25 or to any other person with a direct and tangible interest in the record. The state registrar shall include on the form for the acknowledgment a notice of the information in ss. 767.458(1)(a) to (e) and 767.62.

4. If a registrant has not reached the age of 18 years and if any of the following indicate, in a statement acknowledging paternity under subd. 1. or 3., that the given name or surname, or both, of the registrant should be changed on the birth certificate, the state registrar shall enter the name indicated on the birth certificate without a court order:

a. The mother of the registrant, except as provided under subd. 4. b. and c.

b. The father of the registrant if the father has legal custody of the registrant.

c. The parents of the registrant if they have married each other after the birth of the registrant.

(c) If the state registrar is required to enter a new surname or a new given name on a birth certificate under par. (b) 4. and the registrant has not reached the age of 7 years, the state registrar shall make a new certificate under sub. (6).

(4) NAME CHANGE (a) If the state registrar receives an order under sub. (1) which provides for a name change, the state registrar shall change the name on the original birth certificate.

(b) Any person with a direct and tangible interest in a birth certificate registered in this state may petition a court to change the name and sex of the registrant on the certificate due to a surgical sex-change procedure. If the state registrar receives an order which provides for such a change the state registrar shall change the name and sex on the original certificate, except that if the court orders the state registrar to prepare a new certificate the state registrar shall prepare a new certificate under sub. (6).

(c) A court may not order the state registrar to change any vital record due to a surgical sex-change procedure except as provided under this subsection.

(4m) NAME CHANGE WITHOUT COURT ORDER (a) Unless either parent of a registrant is a party to an action under ch. 767 involving the registrant and notwithstanding sub. (3)(b)4. and s. 786.36, the name of a registrant born in this state may be changed once under this subsection without a court order if all of the following apply:

1. The request for the change is received to the state registrar in writing, on a form approved by the state registrar.

2. If a parent has sole legal custody of the registrant, the request for the change is signed by the parent who has legal custody.

3. If both parents have legal custody of the registrant, the request for the change is signed by both parents.

4. The request for the change is received within 365 calendar days after the day of birth of the registrant.

(b) If the conditions under par. (a) 1. to 4. are met, the state registrar shall change the registrant's name on the registrant's birth certificate. The state registrar is not required to issue a new birth certificate under this paragraph.

(5) **NEW CERTIFICATE FOR A PERSON WITHOUT ANY CERTIFICATE** If no birth certificate has been registered for any person who is more than 365 days old and who is entitled to a new certificate under this section, and if the date and place of birth of the person have not been determined by a court, the state registrar shall register a birth certificate for the individual under s. 69.14 (2) (b) before preparing a new certificate under sub. (6).

(6) **PREPARATION OF NEW CERTIFICATES** (a) The state registrar shall prepare a new birth certificate under this section on the form in use at the time the original certificate was filed. The state registrar shall include on a new certificate the date of creation of the new certificate and shall sign it. The state registrar shall type on the new certificate any other legible signature on the original certificate.

(b) The state registrar shall register a new certificate created under this section and shall impound the original certificate or the certificate registered under sub. (5) and all correspondence, affidavits, court orders and other related materials and prohibit access except by court order or except by the state registrar for processing purposes or except when authorized under ss. 48.432 and 48.433. The state registrar shall send a copy of any new certificate registered under this section to the local registrar who filed the original of the replaced certificate. Upon receipt of the copy, the local registrar shall destroy his or her copy of the replaced certificate and file the new certificate.

(c) If the state registrar changes a birth certificate on file or registered under this section instead of preparing a new certificate, the state registrar shall make the change under s. 69.11 (5) and shall send a notice of the change to the local registrar who filed the original of the changed certificate. Upon receipt of the notice, the local registrar shall change his or her copy of the changed certificate.

History: 1985 a 315; 1987 a 413; 1989 a 183; 1993 a 481.

69.16 Marriage documents. (1) The form, content, application for and registration of marriage documents shall be under ch. 765.

(2) If a person has married in this state, at least 365 days have elapsed since the marriage and no marriage document is on file, a person with a direct and tangible interest in having a marriage document registered may petition the circuit court of the county in which the marriage is alleged to have occurred. If the court finds that the petitioner has established the fact of the marriage required on the marriage document, except for the information under s. 69.20 (2), the clerk of the court shall report the court's determination to the state registrar on a form prescribed by the state registrar, along with the fee required under s. 69.22. Upon receipt of the report, the state registrar shall register the marriage document and send a copy of the document to the local registrar under s. 69.03 (11). The local registrar shall file the document.

History: 1985 a 315

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.

History: 1985 a 315

69.18 Death records. (1) **REGISTRATION OF DEATHS** (a) Any one of the following may move a corpse for the purpose of final disposition:

1. A funeral director licensed under ch. 445 acting in person or through the agency of another funeral director licensed under ch. 445.

2. A member of the decedent's immediate family who personally prepares for and conducts the final disposition of the decedent.

3. A person acting under s. 157.02 or 445.16.

(b) Any person who moves a corpse under par. (a) shall file a certificate of death for the corpse under this subsection on a form prescribed by the state registrar under any one of the following circumstances:

1. The death occurred in this state.

2. The corpse was found in this state.

3. The corpse was removed in this state from a conveyance which was moving at the time of death.

4. The corpse was found in interstate waters and removed in this state.

(bm) A person required to file a certificate of death under par. (b) shall obtain the information required for the certificate of death from the next of kin or the best qualified person or source available. The person filing the certificate of death shall enter his or her signature on the certificate and include his or her address and the date of signing and shall present or mail the certificate, within 24 hours after being notified of the death, to the physician, coroner or medical examiner responsible for completing and signing the medical certification under sub. (2). Within 2 days after receipt of the medical certification under sub. (2), the person filing the certificate of death shall mail or present the certificate of death in:

1. The registration district of the place of death if the death occurred in this state.

2. The registration district where the corpse was found or removed if the place of death is not in this state or is unknown, is removed in this state from a conveyance which was moving at the time of death or is found in interstate waters and removed in this state.

(c) A hospital or a nursing home, as defined in s. 50.01 (3), which is the place of death of a person may prepare a certificate of death for the person and give the certificate to the person who moves the corpse under par. (a).

(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.

(e) 1. 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, one of the following shall submit, within 5 days after delivery, a fetal death report to the registration district where delivery occurred:

a. If the miscarriage occurs at or on route to a hospital, the individual who manages the hospital or the hospital's medical records.

b. 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.

2. Except as provided under subd. 1., no fetal death report is required.

(2) **MEDICAL CERTIFICATION.** (a) On 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.

(b) If a person under the care of a physician dies from the illness or condition for which the care is given and a coroner or medical examiner does not certify the cause of death under par. (d) 1., the physician shall complete and sign a medical certification for the death under par. (f) and mail the medical certification within 5 days after the pronouncement of death or present the medical

certification to the person responsible for filing the death certificate under sub. (1) within 6 days after the pronouncement of death.

(c) If the physician under par. (b) is absent or gives his or her written approval, the medical certification under par. (b) may be completed and signed by any one of the following who has access to the medical history of the decedent:

1. If any other physician assisted in attending the decedent, the other physician.

2. The chief medical officer of the hospital or nursing home in which the death occurred.

3. The physician who performed an autopsy on the decedent.

(d) 1. Except as provided under par. (e), if a death is the subject of a coroner's or medical examiner's determination under s. 979.01 or 979.03, the coroner or medical examiner or a physician supervised by a coroner or medical examiner in the county where the event which caused the death occurred shall complete and sign the medical certification part of the death certificate for the death and mail the death certificate within 5 days after the pronouncement of death or present the certificate to the person responsible for filing the death certificate under sub. (1) within 6 days after the pronouncement of death.

2. Except as provided under par. (e), if the decedent was not under the care of a physician for the illness or condition from which the person died, the coroner or medical examiner, or a physician supervised by a coroner or medical examiner, in the county of the place of death shall complete and sign the medical certification part of the death certificate for the death and mail the death certificate within 5 days after the pronouncement of death or present the certificate to the person responsible for filing the death certificate under sub. (1) within 6 days after the pronouncement of death.

3. For a medical certification under this paragraph, except a medical certification of the cause of death of an indigent, a coroner or medical examiner may charge a fee established by the county board, not to exceed an amount reasonably related to the actual and necessary cost of providing the medical certification. The coroner or medical examiner, or the physician employed by the coroner or medical examiner, shall mail or present a medical certification as required under subd. 1., whether or not the fee has been paid.

(e) Unless the person is a physician supervised by a coroner or medical examiner, no person may act under par. (d) if the subject of the death certificate was his or her patient or a patient in a hospital, or nursing home, as defined in s. 50.01 (3), in which he or she has direct care of any patient.

(f) 1. A person signing a medical certification under par. (b), (c) or (d) shall describe, in detail, on a form prescribed by the state registrar, the cause of death, show the duration of each cause, the sequence of each cause if the cause of death was multiple and, if the cause was disease, the evolution of the disease. The person shall describe a disease in medical terms and may not limit the description to symptoms or conditions resulting from disease. If the cause of a death is medically certified under par. (d), the coroner or medical examiner shall describe any violence related to the cause of death, its effect on the decedent and whether it was accidental, suicidal, homicidal or undetermined.

2. If a person signing a medical certification under par. (b), (c) or (d) fails to satisfy the requirements of subd. 1., the medical certification shall be deemed incomplete and unsigned and may be returned to the person for completion.

3. A person signing a medical certification under par. (b), (c) or (d) shall note on the certificate if the cause of death of the subject of the certificate is unknown, undetermined or if the determination of the cause of death is pending and shall submit to the state registrar within 30 days after the pronouncement of death an amendment to the medical certification which satisfies the requirements of subd. 1., except that such amendment may exclude information which is unavailable pending the determination of an inquest under s. 979.04.

(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.

(b) If a medical certification for a corpse is required under sub. (2) (d), no person may embalm the corpse or effect its final disposition without satisfying the requirements for a report under par. (a) and without obtaining the written permission of the person required to complete the medical certification under sub. (2) (d).

(c) No person may effect a final disposition of a corpse brought into this state unless the corpse is accompanied by written authorization for final disposition under the law of another state.

(d) No person may remove a corpse from this state if the place of death was in this state unless the corpse is accompanied by a copy of the report for final disposition. If a medical certification is required for the corpse under sub. (2) (d), the corpse must be accompanied by the report and the written permission of the coroner or medical examiner to embalm and effect final disposition. No person may remove a stillbirth from this state if the delivery of the stillbirth was in this state unless the stillbirth is accompanied by a report for final disposition.

(e) Except as provided under par. (d), no report under par. (a) is required to effect final disposition of a stillbirth. No person may effect final disposition of a stillbirth without the written authorization of any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of authorization, and in the absence of actual notice of opposition by a member of the same or a prior class:

1. A parent of the stillbirth.
2. An adult brother or sister of the stillbirth.
3. A grandparent of the stillbirth.
4. Any other person authorized or under obligation to dispose of the stillbirth.

(f) Every person in charge of a place in which interment or other disposition of corpses occurs shall maintain a written record of every corpse interred there. The record shall include the name of the decedent, the place of death, the date of burial and the name and address of the funeral director or other person in charge of the funeral.

(g) If a deceased person had a disease which the department determines is communicable and dangerous to the public health, the corpse of the person may not be moved nor final disposition effected except under conditions prescribed by the department.

(4) AUTHORIZATION FOR DISINTERMENT AND REINTERMENT. Subject to s. 157.111, the coroner or medical examiner of the county in which a decedent's corpse is interred shall issue an authorization for disinterment and reinterment upon receipt of an order of a court of competent jurisdiction or upon receipt of a written application for disinterment and reinterment signed by the person in charge of the disinterment and by any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of application, and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class:

- (a) The decedent's spouse.
- (b) An adult son or daughter of the decedent.
- (c) Either parent of the decedent.
- (d) An adult brother or sister of the decedent.
- (e) A guardian of the person of the decedent at the time of the decedent's death.

(f) Any other person authorized or under obligation to dispose of the decedent's corpse.

History: 1985 a 315; 1985 a 332 s 253; 1989 a 307; 1993 a 386.

69.186 Induced abortion reporting. (1) On or before January 15 annually, each hospital, clinic or other facility in which an induced abortion is performed shall file with the department a report for each induced abortion performed in the hospital, clinic or other facility in the previous calendar year. Each report shall contain all of the following information with respect to each patient obtaining an induced abortion in the hospital, clinic or other facility:

- (a) The state and, if this state, the county, of residence.
- (b) Patient number.
- (c) Race.
- (d) Age.
- (e) Marital status.
- (f) Month and year in which the induced abortion was performed.
- (g) Education.
- (h) The number of weeks since the patient's last menstrual period.
- (i) Complications, if any, resulting from performance of the induced abortion.

(2) The department shall collect the information under sub. (1) in a manner which the department shall specify and which ensures the anonymity of a patient who receives an induced abortion, a health care provider who provides an induced abortion and a hospital, clinic or other facility in which an induced abortion is performed. The department shall publish annual demographic summaries of the information obtained under this section, except that the department may not disclose any information obtained under this section that reveals the identity of any patient, health care provider or hospital, clinic or other facility and shall ensure anonymity in all of the following ways:

(a) The department may use information concerning the patient number under sub. (1) (b) or concerning the identity of a specific reporting hospital, clinic or other facility for purposes of information collection only and may not reproduce or extrapolate this information for any purpose.

(b) The department shall immediately destroy all reports submitted under sub. (1) after information is extrapolated from the reports for use in publishing the annual demographic summary under this subsection.

History: 1985 a 315

69.19 Court-ordered certificates of death. If a person has died in this state and final disposition of the person's corpse has been effected but no certificate of death is on file one year after a death, a person with a direct and tangible interest in having a certificate of death registered may petition the circuit court of the county in which the death is alleged to have occurred. If the court finds that the petitioner has established the facts of the death required on the certificate of death, the clerk of the court shall report the court's determination to the state registrar on a form prescribed by the state registrar, along with the fee required under s. 69.22. Upon receipt of the report, the state registrar shall register the death certificate and send a copy to the local registrar under s. 69.03 (11). The local registrar shall file the copy.

History: 1985 a 315.

69.20 Disclosure of information from vital records.

(1) A person with a direct and tangible interest in a vital record is any of the following:

- (a) The registrant of the vital record.
- (b) A member of the registrant's immediate family.
- (c) The parent of a registrant, unless the parent is a birth parent whose parental rights to the registrant have been terminated under ch. 48.

(d) The registrant's legal custodians or guardians.

(e) A representative authorized by any person under pars. (a) to (d), including an attorney.

(f) Any other person who demonstrates a direct and tangible interest when information is necessary for the determination or protection of a personal or property right.

(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.

(b) Except as provided under sub. (3), the state registrar and local registrars may not permit inspection of or disclose information contained in any record of a birth which occurred after September 30, 1907 if the mother of the subject of the record was not married at any time from the conception to the birth of the subject of the record, unless the inspection is by or the information is disclosed to a person who has a direct and tangible interest in such record.

(3) (a) The state registrar or a local registrar may effect a disclosure of information prohibited under sub. (2) if a court of competent jurisdiction orders the disclosure and specifies the vital record which is to be disclosed.

(b) The state registrar may effect disclosure of information prohibited under sub. (2) if the person to whom the information will be disclosed has signed and given to the state registrar a written agreement specifying the conditions under which the information will be used, as designated by the state registrar and if:

1. The information will be used for health or demographic research or for a public health program.

2. The information will be used by the federal agency responsible for compilation of national statistics and if the federal agency shares the cost of collecting, processing and transmitting the data. The federal agency may not use the information for any purpose except compilation of national statistics unless the federal agency specifies the other purpose to the state registrar and the state registrar gives written authorization for such use.

3. The information is from the vital record of a registrant who is a resident of another state or who was born in another state and is transmitted to the office responsible for keeping the vital statistics in such state under an interstate cooperation agreement which requires that the information be used for statistical and administrative purposes only and which provides for the retention and disposition of such copies. If under such an agreement the state registrar receives information from an office responsible for keeping the vital statistics in another state, the state registrar may not use the information for any purpose except the compilation of statistics.

4. The information is from a birth certificate which indicates that the registrant has a congenital disability and is submitted to the department of public instruction.

5. The information is submitted to a public school system in this state for the purpose of compiling demographic statistics related to planning.

(c) Notwithstanding sub. (2), a local registrar may disclose information on a birth certificate or issue a copy of the certificate to a local health department, as defined in s. 250.01 (4), for health or demographic research or a public health program if the local health department pays the copying costs and if the birth of the registrant occurred within the boundaries of the political subdivision served by the local health department or the registrant is a resident of the political subdivision. The local health department may not disclose any information from any copy which it receives under this paragraph to any person and shall destroy the copy no later than one year after receipt.

(d) The state or a local registrar may disclose information from the vital record of a specified registrant, except information under sub. (2) (a), to a federal agency, to any agency of the government of this state or to any agency of a county, city, town or village if

the agency requests the information for use in the conduct of its official duties.

(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.

(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.

History: 1985 a 315; 1993 a 27.

69.21 Copies of vital records. (1) CERTIFIED COPIES (a)

1. Except as provided under subd. 2., the state registrar and any local registrar shall issue a certified copy of a vital record to any person if the person submits a request for a certified copy of a vital record of a specified registrant in writing to the registrar responsible for filing or registering the vital record and if the request is accompanied by the fee required under s. 69.22.

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

a. A vital record, if the event which is the subject of the vital record occurred after September 30, 1907, unless the requester is a person with a direct and tangible interest in the record or unless the registrar has received a court order directing issuance of the vital record.

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.

c. The birth certificate of a person if no surname has been entered on the birth certificate for the person under s. 69.14 (1) (f).

(b) 1. Any copy of a vital record certified under par. (a) shall be on a form provided or approved by the state registrar and shall include the date of issuance, the name of the issuing officer, the issuing officer's signature or an authorized facsimile of his or her signature and the seal of the issuing officer. The certification shall be applied to the copy in a way that prevents its removal from the copy.

2. Any copy of a birth certificate issued under par. (a) shall be in a long or short form, as specified by the person submitting the request under par. (a). The long form shall include the name, sex, date and place of birth and parent's surnames of the registrant, the file date and the file number. The short form may not include any information about the parents of the registrant. The state registrar shall issue the short form for any registrant born of unmarried parents if the registrant's certificate was not prepared under s. 69.15 (3) (b), unless the person requesting the copy requests the long form.

3. A local registrar may issue a copy of a birth or death certificate under par. (a) through the state registrar's computer data base if the event which is the subject of the birth or death occurred in the local registrar's registration district or if the registrant resided in the local registrar's registration district when the event occurred.

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.

(c) Any certified copy of a vital record or part of a vital record issued under this subsection shall be deemed the same as the original vital record and shall be prima facie evidence of any fact stated in the vital record, except that the evidentiary value of a vital record filed more than one year after the event which is the subject

of the vital record occurred or of a vital record which has been amended shall be determined by the judicial or administrative agency or official before whom the vital record is offered as evidence.

(2) UNCERTIFIED COPIES. (a) The state registrar or local registrar shall issue an uncertified copy of the vital record of one or more registrants if the subject of the vital record is an event occurring after September 30, 1907. The requirements of ss. 69.15 (6) (b) and 69.20 (3) (b) for disclosing information under s. 69.20 (2) shall apply to issuance under this paragraph of any copy of a vital record containing such information.

(b) The state registrar and any local registrar shall issue an uncertified copy of the vital record of one or more registrants, whether specified or not, to any person if the subject of the vital record is an event occurring before October 1, 1907, and if the person submits a request for the copy in writing to the registrar responsible for filing or registering the vital record and if the request is accompanied by the fee required under s. 69.22 (1) (b).

(c) Any uncertified copy issued under this subsection shall have on its face a notice that it is uncertified.

(3) AMENDMENTS. Any copy of a vital record issued under this section shall show all amendments or changes made on the record since it was filed, the date and authority of the amendment or change unless a certificate was issued for the registrant under s. 69.14 (1) (h) or 69.15 (2), (3) or (4) (b).

(4) DETERMINATION OF FRAUD. (a) Except as provided under par. (b), if the state registrar or a local registrar determines that a vital record was registered through misrepresentation or fraud, he or she may not issue any copy of the vital record prior to a determination by a court of the actual facts of the event which is the subject of the record.

(b) A person with a direct and tangible interest in a vital record withheld by the state registrar under par. (a) may petition the circuit court of the county in which the event which is the subject of the vital record is shown on the original record to have occurred. The petition shall be accompanied by a certified copy of the original vital record. In issuing the certified copy, the state registrar shall mark the copy to indicate that the copy is for use by the court in making its determination under this paragraph. If the court finds that the petitioner has proven that the information on the vital record is valid, the clerk of court shall report the court's determination to the state registrar on a form prescribed by the state registrar, who shall issue the certified copy.

History: 1985 a 315; 1987 a 307

Cross-references: See s. 889.18 for evidence of official records and s. 891.09 for evidence of vital statistics.

See note to 69.05 citing 80 Atty. Gen. 35.

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 for issuing one certified copy of a vital record and \$2 for any additional certified copy of the same vital record issued at the same time.

(b) Except as provided under par. (c), \$7 for any uncertified copy of a vital record issued under s. 69.21 (2) or for verifying information submitted by a requester without issuance of a copy.

(c) Ten dollars for issuing a copy of a birth certificate, \$5 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).

(1m) The state registrar and any local registrar acting under this subchapter shall forward to the state treasurer the amount specified in sub. (1) (c) for each copy of a birth certificate issued during a calendar quarter by the 15th day of the first month following the end of the calendar quarter.

(2) The state registrar and any local registrar may charge \$7 for a search of vital records if the registrar finds no record. In addition to the \$7, 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.

(3) If a local registrar under s. 69.11 (4) or 69.14 (2) (b) 6 completes the proper forms for the applicant and submits the forms and proofs to the office of the state registrar, the state registrar and the register of deeds shall receive equal amounts of the fee received for the action.

(4) A local registrar in a registration district may set a reasonable fee to cover the costs of sending requests to local health departments under s. 69.05 (3m).

(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 ordered by a court under s. 69.12 (3) or 69.15 (4).
3. Making alterations in a birth certificate under s. 69.15 (3).

(b) Twenty dollars for:

1. Any new vital record registered under s. 69.12, 69.14 (2) 6., 69.15 (1), (2), (3) or (4), 69.16 (2) or 69.19.
2. The filing of a birth certificate under s. 69.14 (2) (b) 5. The fee under this subdivision includes the search for the birth certificate and the first copy of the certificate except that the state registrar shall add to the \$20 fee, the \$5 fee required under sub. (1) (c).

(c) The state registrar may charge a reasonable fee to adequately cover the cost of specialized data collection and data production for research or administrative data requested under s. 69.20.

(6) The state registrar may provide free search and free copies of vital records to state agencies. 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.

History: 1985 a 315; 1985 a 332 s. 253; 1987 a 27; 1991 a 39; 1993 a 16, 27.

69.23 Costs for collecting delinquent certificates. If the state registrar determines that it is not possible to obtain a vital record from a local registrar under this subchapter, the state registrar may obtain the vital record and charge the cost of obtaining the record to the registration district in which the record should have been filed. If the registration district receives from the state registrar an itemized statement of such costs filed with the clerk of the registration district, the registration district shall pay the costs to the state registrar.

History: 1985 a 315

69.24 Penalties. (1) Any person who does any of the following shall be fined not more than \$10,000 or imprisoned not more than 2 years or both:

(a) Prepares or issues any paper or film which purports to be, or carries the appearance of, an original or a copy of a vital record, certified or uncertified, except as provided under this subchapter or s. 610.50 and except for any hospital which issues any written announcement of the birth of a person to the parents of the person if the announcement contains plain notice that the announcement is not for official use.

(b) Wilfully and knowingly makes any false statement in a birth or death certificate under s. 69.09, 69.10, 69.14 or 69.18, in an application for an amendment to a birth or death certificate under s. 69.11 or 69.12 or in a request for a certified copy of a birth certificate under s. 69.21.

(c) Wilfully and knowingly supplies any false information with the intent that the information be used in the preparation of a birth or death certificate or the amendment of a birth or death certificate.

(d) Counterfeits or, without authorization, makes, alters or amends any birth or death certificate required by this subchapter or a certified copy of such certificate.

(e) Mutilates or destroys an original birth or death certificate filed under this subchapter.

(f) Wilfully and knowingly obtains, possesses, uses, sells, furnishes or attempts to obtain, possess, use, sell or furnish to any person for any purpose of deception, any vital record or certified copy of a vital record which is counterfeited, altered or amended or false in part or in whole or which is related to the birth, death, marriage or divorce of another person, whether living or dead.

(g) Illegally possesses any vital record required under this subchapter with knowledge that the vital record has been illegally obtained.

(h) As a public officer or public employe, furnishes or processes a birth or death certificate or a certified copy of a birth or death certificate with the knowledge or intention that the certificate or copy will be used for the purpose of deception.

(2) Any person who does any of the following shall be fined not more than \$1,000 or imprisoned not more than 90 days or both:

(a) Wilfully and knowingly commits any of the actions prohibited under sub. (1) in relation to a marriage document or divorce report.

(b) Wilfully and knowingly refuses to provide information required under this subchapter for a death certificate or for any part of a birth certificate which is not designated as the part for statistical or medical and statistical use.

(c) Wilfully and knowingly effects final disposition of a corpse without complying with s. 69.18 (3) (b).

(d) Wilfully and knowingly neglects or violates or refuses to perform any requirement under this subchapter.

History: 1985 a 315; 1987 a 247; 1987 a 403 s. 256

A bank, its employes and agents violate this section when copying a certified copy of a vital record for use by the Federal Reserve Bank 78 Atty. Gen. 232.

69.30 Authorized copying of vital records. (1) In this section:

(a) "County department" means a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437.

(b) "Financial institution" means any bank, savings bank, savings and loan association or credit union that is authorized to do business under state or federal laws relating to financial institutions.

(c) "State agency" has the meaning given in s. 20.001 (1).

(2) A financial institution, state agency or county department or an employe of a financial institution, state agency or county department is not subject to s. 69.24 (1) (a) for copying a certified copy of a vital record for use by the financial institution, state agency or county department if the copy is marked "FOR ADMINISTRATIVE USE".

History: 1989 a 313; 1991 a 221, 269, 315.

SUBCHAPTER II

GENERAL STATISTICS

69.60 Taxes and bonds. The clerk of each town, city and village shall annually, at the time required by law to deliver the tax roll to the town, city or village treasurer, make out and transmit to the county treasurer, on blanks furnished by the department of revenue, a statement showing the total amount of all taxes levied therein by said town, city or village for the current year.

History: 1971 c. 154; 1975 c. 295, 421; Stats. 1975 s. 69.60; 1991 a. 39.

69.61 Annual statement of taxes. Annually, on or before the 3rd Monday of December, a statement in detail of all taxes levied in each town, village and city during the year, shall be made and filed by the clerk thereof, with the department of revenue. Any such clerk failing to make the statement herein provided for, and within the time above provided, shall be liable to the town, village and city for all damages caused by the delinquency. The department of revenue shall prepare and furnish the blanks for such statement, as well as for the statement mentioned in s. 69.62.

History: 1975 c. 295 ss. 3, 9; 1975 c. 421; Stats. 1975 s. 69.61

69.62 Returns to department of revenue. The county clerk of each county shall, immediately upon the receipt from the department of revenue of the blanks and instructions necessary for carrying out s. 69.61, by town, village and city officers, distribute the same to such officers at the expense of the county, and shall annually, on or before November 30, make out and transmit to the department of revenue a statement in detail of all county taxes levied on taxable property in the county during the preceding year, and the purposes for which the same were levied and expended. Any county clerk failing to make the statement herein provided for, and within the time above provided, shall be liable to the county for all damages caused by the delinquency.

History: 1971 c. 65; 1975 c. 295 ss. 3, 9; 1975 c. 421; Stats. 1975 s. 69.62; 1977 c. 29 s. 1647 (21); 1983 a. 275.

69.63 Department of revenue, duties. It shall be the duty of the department of revenue to collect from time to time statistics of recorded sales of real estate in each county and of the assessed valuation of the lands included in such sales. In collecting such statistics, sales appearing to be made for a nominal consideration or as to which the true consideration is not stated and cannot be readily ascertained, and those in which the description of lands does not substantially correspond or cannot be identified with descriptions upon the assessment roll, shall be omitted; and the department may also exclude from such statistics any other sales where for any reason the data appear to be unreliable or not serviceable.

History: 1975 c. 295; Stats. 1975 s. 69.63.

69.64 Realty statistics; items. The data to be collected as provided by s. 69.63 shall include:

- (1) The date of each instrument of conveyance or sale.
- (2) The date, volume and page of the record thereof.
- (3) A brief description of the lands conveyed or sold.
- (4) The number of acres, where the lands are unplatted.
- (5) The consideration recited in such instrument.
- (6) The assessed valuation next previous or nearest to the date of such instrument.
- (7) Such other facts as the department may deem material.

History: 1975 c. 295 ss. 3, 9; Stats. 1975 s. 69.64.

69.65 Statistics compiled, use of; county clerk's duties. The statistics for each calendar year shall be compiled by assessment districts and by counties in tabular form, and the compilations shall be filed and carefully preserved in the department of revenue for use in the performance of its duties. An abstract or copy of the compilations of so much as is used by the department in arriving at the true value for each county shall be furnished to the county clerk of such county in each subsequent year as soon as practicable after the compilations are completed for the year.

The county clerk shall submit the abstract or copy to the county board at its next annual meeting.

History: 1975 c. 295; Stats. 1975 s. 69.65; 1977 c. 29.

69.66 Agricultural statistics. The department of agriculture, trade and consumer protection may collect statistics in relation to principal farm products and agricultural resources as may be necessary through the use of mail surveys and other appropriate means.

History: 1975 c. 295; Stats. 1975 s. 69.66; 1977 c. 29 ss. 1647 (8), 1650m (4); 1981 c. 166.

69.67 Returns may be sent for; expense. If any town, city or village clerk fails or neglects to transmit to the county treasurer the statement required by s. 69.60 for 10 days after the time required by law to transmit or make the same, the county treasurer shall in either case send a messenger to such clerk who has so failed or neglected to procure the same, and such messenger shall be entitled to receive \$3 per day and 10 cents per mile for each mile necessarily traveled in the discharge of duty, to be paid out of the county treasury on the order of the chairperson of the county board and county treasurer. The amount so paid shall be charged to the proper town, city or village and added to and collected with the next county tax apportioned thereto. The county treasurer shall, immediately after having sent any such messenger, notify the treasurer of the proper town, city or village of the amount of expense so incurred, and the treasurer shall deduct that amount from the compensation of the delinquent clerk.

History: 1975 c. 295 ss. 3, 9; 1975 c. 421; Stats. 1975 s. 69.67; 1981 c. 166; 1983 a. 192 s. 303 (2); 1991 a. 39.

69.68 Statement of indebtedness to secretary of state. Each county, city, village, town, technical college district and school district clerk shall, whenever required by the secretary of state, furnish a full and complete statement showing the bonded and all other indebtedness of the respective county, city, village, town, technical college district or school district, the purposes for which the same was incurred and all accrued interest, if any, remaining unpaid.

History: 1971 c. 154; 1975 c. 295, 421; Stats. 1975 s. 69.68; 1993 a. 399.

69.69 Neglect of duty. Every clerk of any town, city, village or school district, every technical college district board secretary and every assessor who fails or neglects to perform any duty required by this subchapter shall, for every such neglect or failure, forfeit not less than \$20 nor more than \$50, and it is the duty of the county clerk to cause every such forfeiture to be prosecuted for. Every county clerk and register of deeds who fails or neglects to perform any duty required by this subchapter shall, for every such neglect or failure, forfeit not less than \$25 nor more than \$100; and it is the duty of the department with which such returns are required to be filed to cause every such forfeiture to be prosecuted for.

History: 1971 c. 154; 1975 c. 295 ss. 3, 8; 1975 c. 421; Stats. 1975 s. 69.69; 1993 a. 399.