

CHAPTER 69

COLLECTION OF STATISTICS

SUBCHAPTER I VITAL STATISTICS

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SUBCHAPTER I VITAL STATISTICS

69.01 Definitions. In this subchapter:

(1r) “Certificate of termination of domestic partnership” means a certificate issued by a county clerk under s. 770.12 (3).

(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.

(6g) “Date of death” means the date that a person is pronounced dead by a physician, coroner, deputy coroner, medical examiner, deputy medical examiner, or hospice nurse.

(6r) “Declaration of domestic partnership” means a declaration issued by a county clerk under s. 770.07 (2).

(7) “Department” means the department of health 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 records.

(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 records.

(11) “Filing party” means any person who submits a vital record to a local registrar for filing in the system of vital records.

(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.

(12g) “Hospice” has the meaning given in s. 50.90 (1).

(12m) “Hospice nurse” means a registered nurse, as defined in s. 146.40 (1) (f), who is employed by or under contract to a hospice.

(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 death records in his or her city.

(15r) “Marriage certificate” has the meaning given in s. 765.002 (3).

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

(16m) “Medical certification” means those portions of a death record that provide the cause of death, the manner of death, injury-related data, and any other medically-related data that is collected as prescribed by the state registrar under s. 69.18 (1m) (c) 2.

(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) “Registrar” means the subject of a record or declaration which a local registrar has accepted for filing in the system of vital records.

(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 death records occurring in the city.

(22) “Research” means a systematic study through scientific inquiry for the purpose of expanding a field of knowledge, including environmental or epidemiological research or special studies, that is conducted by persons who meet criteria for access that are specified in rules promulgated under s. 69.20 (4).

(24) “State registrar” means the state registrar of vital records appointed by the department under s. 69.02 (1) (b).

(25) “System of vital records” 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 any of the following:

(a) Records of birth, death, divorce or annulment, termination of domestic partnership, marriage, and declarations of domestic partnership.

(b) Worksheets that use forms that are approved by the state registrar and are related to documents under par. (a).

(c) Data related to records under par. (a) or worksheets under par. (b).

(27) “Vital statistics” means the data derived from records of birth, death, divorce or annulment, termination of domestic partnership, marriage documents, declarations of domestic partnership, fetal death reports, or related reports.

History: 1985 a. 315; 1985 a. 332 s. 253; 1991 a. 39; 1993 a. 27; 1995 a. 27 s. 9126 (19); 2001 a. 16; 2003 a. 273; 2005 a. 69; 2007 a. 20 s. 9121 (6) (a); 2009 a. 28, 276; 2017 a. 334.

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

(a) Establish a unit called the office of vital records.

(b) Appoint a state registrar.

(c) Prescribe the form of an affidavit of death for releasing burial agreement trust funds to a beneficiary under s. 445.125 (1) (b) 4. b. or establishing proof of death for payment of benefits of a life insurance policy sold under s. 632.415 (2).

(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; 2003 a. 167; 2017 a. 334.

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

(1) Administer and enforce this subchapter.

(2) Direct the system of vital records.

(3) Supervise the office of vital records.

(4) Act as custodian of all records in the office of vital records 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 marriage documents and records of birth, death, divorce, and domestic partnership. Indexes prepared for public use under s. 69.20 (3) (e) shall consist of the registrant’s full name, date of the event, county of occurrence, county of residence, and, at the discretion of the state registrar, state file number. Notwithstanding s. 69.24 (1) (e), the state registrar may transfer the paper original of a vital record to

optical disc or electronic format in accordance with s. 16.61 (5) or to microfilm reproduction in accordance with s. 16.61 (6) and destroy the paper original of any vital record that is so converted. For the purposes of this subchapter, the electronic format version or microfilm reproduction version of the paper original of a vital record that has been transferred under this subsection shall serve as the original vital record.

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

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

(8) Prescribe, furnish and distribute forms required under this subchapter and chs. 765 and 770 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) Make available 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 records 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 record 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 record; and the availability of services under s. 49.22.

(15) Periodically provide to each county child support agency under s. 59.53 (5) 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 record within 6 months of birth.

History: 1985 a. 315; 1987 a. 413; 1993 a. 27; 1995 a. 201, 404; 1997 a. 27; 2001 a. 16; 2009 a. 28; 2017 a. 334.

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, compara-

ble 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) The state registrar may approve a city as a registration district for registration of deaths occurring in the city 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 par. (c).

(c) If a death occurs in a city which is a registration district approved by the state registrar for registering death records, 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 under s. 69.21 (2) (d) 1.

(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; 2017 a. 334.

69.05 Duties of local registrar. A local registrar shall:

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

(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 vital records on file for more than 365 days if the state registrar determines that the local registrar has access through the state registrar's computer database 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.

(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; 1997 a. 114; 1999 a. 185; 2017 a. 334.

A local registrar has no power to adopt procedures that are more stringent than those directed by the state registrar for issuing certified copies of vital records under s. 69.21 (1). 80 Atty. Gen. 35.

69.06 Duties of city registrars. A city registrar shall:

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

(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.

History: 1985 a. 315; 2001 a. 16; 2017 a. 334.

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

(1) Accept for filing, electronically sign and assign a date of acceptance to vital records presented in his or her office under this chapter.

(3) Designate a deputy appointed under s. 59.43 (3) to perform the register of deeds' duties under this section during the register of deeds' absence, illness or disability.

History: 1985 a. 315; 1995 a. 201; 2001 a. 16; 2017 a. 334.

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

(1) Is prepared in the method prescribed by the state registrar.

(2) Is prepared in the method prescribed or is printed legibly in permanent ink applied directly to the paper.

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

(4) Contains proper and consistent data.

(5) Contains electronic signatures required or signatures written in permanent ink applied directly to the paper.

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

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

History: 1985 a. 315; 2001 a. 16; 2017 a. 334.

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, 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; 2017 a. 334.

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 record 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 record and if the amendment is accompanied by a statement that the person who signed the medical certification has submitted to support the amendment.

(c) The following, prepared in the method prescribed 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 and provide the correct information to the state registrar in the manner prescribed.

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) The state registrar may amend an item on a birth record that affects information about the name, sex, date of birth, place of birth, parent's name, or marital status of the mother if 365 days have elapsed since the occurrence of the event that is the subject of the birth record, if the amendment is at the request of a person with a direct and tangible interest in the record and is in the manner prescribed by the state registrar, and if the amendment is accompanied by 2 items of documentary evidence from early childhood that are sufficient to prove that the item to be changed is in error and by the affidavit of the person requesting the amendment. A change in the marital status on the birth record may be made under this paragraph only if the marital status is inconsistent with information concerning the father or husband that appears on the birth record. This paragraph may not be used to add to or delete from a birth record the name of a parent, to change the identity of a parent named on the birth record, or to effect a name change prohibited under s. 301.47.

(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 the information on the vital record, do all of the following:
 - a. Record the correct information in the relevant area of the vital record.

b. Maintain legibility of the changed information by placing a single line through the changed entry, by recording the changed information elsewhere on the legal portion of the vital record, or both.

c. Make a notation on the vital record that clearly states that the vital record has been amended and that gives the number of the item corrected, the date of the correction, and the source of the amending information.

(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 supporting documentation.

History: 1985 a. 315; 2001 a. 16; 2003 a. 52; 2017 a. 334.

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 the 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 in the manner 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 a death record is changed or if information on a marriage record concerning the identity of a parent of a party to a marriage is changed, act under sub. (4), or shall change the record under s. 69.11 (5) and if the record is not enabled in the state system of vital records, send the amended record to the local registrar who shall replace the record filed in his or her office. This subsection does not apply to a name change prohibited under s. 301.47.

(2) A court may not order amendment of the names of the parents of a registrant on a birth record 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 record as directed by an order under this section.

(4) (a) If a court's determination under sub. (1) changes information as to the cause of death on a death record or changes information on a marriage record concerning the identity of a parent of a party to the marriage and the court in accordance with the petition orders the creation of a new death or marriage record, the state registrar shall do all of the following:

1. Prepare a new death or marriage record, whichever is applicable. On a new death record, the state registrar shall 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 death record has been amended. On a new marriage record, the state registrar shall omit the changed information concerning the identity of a parent of a party to the marriage, enter the unchanged information from the original record, and enter any new information included in the court order concerning the identity of a parent of a party to the marriage, but shall not note that the record is amended.

2. Register a new death or marriage record created under this subsection and impound the original death or marriage record 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 death or marriage record registered under this subsection to the local registrar who filed the original, if the record is not enabled in the state system of vital records.

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

(5) A change in the marital status on the record of birth may be requested under this section only if the marital status is inconsistent with father or husband information appearing on the birth record. This section may not be used to add or delete the name of a parent on the record of birth or change the identity of either parent named on the birth record.

History: 1985 a. 315; 1993 a. 346; 1995 a. 225; 2001 a. 16; 2003 a. 52; 2005 a. 69; 2017 a. 334.

A court acting under sub. (1) acts as a fact finder, independently reviewing the evidence presented by the petitioner. There is a presumption of validity in the findings in a death certificate; the petitioner has the burden of rebutting the presumption by the greater weight of the credible evidence. *Sullivan v. Waukesha County*, 218 Wis. 2d 458, 578 N.W.2d 596 (1998), 96–3376.

69.13 Correction of facts misrepresented by informant for record of birth. The state registrar may, under an order issued by the circuit court of the county in which a birth occurred, correct information about the parent or the marital status of the mother on a record of birth that is registered in this state if all of the following conditions apply:

(1) The correction may not be accomplished under s. 69.11, 69.12, or 69.15 because the disputed information was misrepresented by the informant during the preparation of the birth record.

(2) The state registrar receives, on a form prescribed by the state registrar, a court order that is accompanied by all of the following:

(a) A petition for correction filed by a person with a direct and tangible interest in the birth record.

(b) Certification that all of the following supporting evidence, as listed by the court in the order, was presented in addition to oral testimony:

1. A certified copy of the original certificate of birth.
2. If the birth occurred in a hospital, a copy of the birth worksheet and any other supporting documentation from the hospital.
3. If the birth did not occur in a hospital, a statement from the birth attendant.
4. If relevant to the correction sought, a certified copy of a marriage document, divorce or annulment record, or a final divorce decree that indicates that the mother was not married to the person listed as her husband at any time during the pregnancy, a legal name change order, or any other legal document that clarifies the disputed information.

5. A statement signed by the record of birth informant or the petitioner acknowledging that the disputed information was misrepresented.

(c) The supporting evidence specified in par. (b) 1. to 5.

(d) The fee specified under s. 69.22 (5) (b) 1.

History: 2001 a. 16; 2017 a. 334.

69.14 Registration of births. (1) FILING REQUIREMENTS.

(a) *Filing deadline.* A record of birth for every birth that occurs in this state shall be filed within 5 days after the birth with the state registrar, who shall register the birth under this subchapter.

(b) *Accuracy.* Either parent of a child who is the subject of a birth record, 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 record in time to permit the filing of the record within 5 days after the birth.

(c) *Filing party.* A birth record 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. The filing party shall ensure that trained, designated hospital staff provide to the child's available parents oral information or an audio or video presentation and written information about the form and the significance and benefits of, and alternatives to, establishing paternity, before the parents sign the form. The filing party shall also provide an opportunity to complete the form and have the form notarized in the hospital. 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. The department of children and families shall pay the filing party a financial incentive for correctly filing a form within 60 days after the child's birth.

(d) *Place of birth.* 1. On a birth record 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 record. 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 record for the child shall be filed in this state and the place of birth on the birth record 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 record 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 record except as provided under s. 69.15 (3). If under this subdivision the name of the father of the registrant of a birth record is omitted from the record, no other information about the father may be entered on the record.

(f) *Registrant's name.* 1. a. Except as provided under subd. 1. b., if the mother of a registrant of a birth record 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 record shall be the given name and surname filed and registered on the birth record.

b. If the mother of a registrant of a birth record 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 record shall be the given name and surname filed and registered on the birth record, 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 record shall be the given name and surname filed and registered on the birth record.

c. If the mother of a registrant of a birth record 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 record shall be the given name and surname filed and registered on the birth record, 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 record shall be the given name and surname filed and registered on the birth record.

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 record for the registrant without entering a surname on the birth record. The state registrar and any local registrar may not issue any certified copy of the birth record until a surname is entered under this paragraph.

(g) *Birth by artificial insemination.* If the registrant of a birth record 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 record. 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 record.

(h) *Surrogate mother.* If the registrant of a birth record under this section is born to a surrogate mother, information about the surrogate mother shall be entered on the birth record and the information about the father shall be omitted from the birth record. 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 record for the registrant under s. 69.15 (6) and send notice of the new record to the local registrar who filed the original record. Upon receipt of the notice, the local registrar shall destroy his or her copy of the replaced record.

(2) **LATE REGISTRATIONS.** (a) *Registration 6 to 365 days after birth.* If a birth record is filed 6 to 365 days after the date of birth, the filing party shall proceed in the manner prescribed for birth records filed under sub. (1). Before registering the record, the state registrar may require additional evidence in support of the facts of birth and an explanation of why the birth record was not filed under sub. (1). If a birth record 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 record 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 record 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 record for the person under this paragraph.

2. Any person requesting a birth record 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 record is requested under this paragraph, the person requesting the birth record 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 record is requested under this paragraph, the person requesting the birth record 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 record 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 record 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 record 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 record, a person shall sign the record 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 record under this paragraph. If the state registrar approves a request for a birth record under this paragraph, he or she shall indicate plainly on the face of the record that the record has been registered under this paragraph and the date the record is registered and shall make available the record to the local registrar under s. 69.03 (11).

6. If the state registrar denies a request for registration of a birth record 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, in the manner prescribed by the state registrar, issue an order to register a birth record for the person which 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 record 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 record 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 record 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.

(c) This subsection does not apply to a child who was adopted under the circumstances described in s. 48.97 (2).

(3) REGISTRATION OF FOUNDLINGS. (a) Any person who assumes custody of a live born infant of unknown parentage shall file a birth record for the infant within 5 days after assuming custody and shall file the birth record 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 record where information on the attendant at birth is required.

(c) If at any time after a birth record is filed for a registrant under this subsection a birth record 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 record 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; 1997 a. 27, 191; 2001 a. 16; 2003 a. 33; 2007 a. 20; 2015 a. 380; 2017 a. 334.

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

Enforcement of surrogacy agreements promotes stability and permanence in family relationships because it allows the intended parents to plan for the arrival of their child, reinforces the expectations of all parties to the agreement, and reduces contentious litigation. The surrogacy agreement in this case was enforceable except for the portions of the agreement requiring a voluntary termination of parental rights (TPR). The TPR provisions did not comply with the procedural safeguards set forth in s. 48.41 for a voluntary TPR because the biological mother would not consent to the TPR and there was no legal basis for involuntary termination. The TPR provisions were severable. *Rosecky v. Schissel*, 2013 WI 66, 349 Wis. 2d 84, 833 N.W.2d 634, 11–2166.

Arkansas state law generally required the name of the mother's male spouse to appear on the child's birth certificate, regardless of his biological relationship to the child, but did not require that birth certificates include the female spouses of women who gave birth in the state. That differential treatment infringed the commitment of *Obergefell*, 576 U.S. ___, 135 S. Ct. 2584, to provide same-sex couples the constellation of benefits that the states have linked to marriage. Under *Obergefell*, a state may not exclude same-sex couples from civil marriage on the same terms and conditions as opposite-sex couples. *Pavan v. Smith*, 582 U.S. ___, 137 S. Ct. 2075, 198 L. Ed. 2d 636 (2017). See also *Torres v. Seemeyer*, 207 F. Supp. 3d 905 (2016).

Wisconsin's Undeveloped Surrogacy Law. Walsh. Wis. Law. March 2012.

69.145 Certificate of birth resulting in stillbirth.

(1) INFORMATION ABOUT PREPARATION. If a birth that occurs in this state on or after August 1, 2004, results in a stillbirth for which a fetal death report is required under s. 69.18 (1) (e) 1., the party responsible for filing the fetal death report under s. 69.18 (1) (e) 1. shall advise the parent or parents of the stillbirth of all of the following:

- (a) That they may request preparation of a certificate of birth resulting in stillbirth.
- (b) That preparation of the certificate is optional.
- (c) How to obtain a certified copy of the certificate if one is requested and prepared.

(2) TIMELY PREPARATION AND FILING. (a) If the parent or parents of the stillbirth, after being advised as provided in sub. (1), wish to have a certificate of birth resulting in stillbirth prepared, the party responsible for filing the fetal death report under s. 69.18 (1) (e) 1. shall, within 5 days after delivery of the stillbirth, prepare and file the certificate with the state registrar.

(b) If the parent or parents of the stillbirth do not wish to provide a name for the stillbirth, the person who prepares the certificate of birth resulting in stillbirth shall leave blank any reference to the name of the stillbirth.

(c) Either parent of the stillbirth or, if neither parent is available, another person with knowledge of the facts of the stillbirth 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 delivery.

(3) SPECIAL PREPARATION UNDER CERTAIN CIRCUMSTANCES. Notwithstanding subs. (1) and (2), if a birth that occurred in this state at any time resulted in a stillbirth for which a fetal death report was required under s. 69.18 (1) (e) 1. but a certificate of birth resulting in stillbirth was not prepared under sub. (2), a parent of the stillbirth may, on or after August 1, 2004, submit to the state registrar a written request for preparation of a certificate of birth resulting in stillbirth and evidence of the facts of the stillbirth that is satisfactory to the state registrar. The state registrar shall prepare and file the certificate of birth resulting in stillbirth within 30 days after receiving satisfactory evidence of the facts of the stillbirth.

(4) GENERAL RESPONSIBILITIES OF STATE REGISTRAR. The state registrar shall do all of the following:

(a) Prescribe the form of, and information to be included on, a certificate of birth resulting in stillbirth, which shall be as similar as possible to the form of and information included on a certificate of birth.

(b) Issue a certified copy of a certificate of birth resulting in stillbirth to a parent of the stillbirth that is the subject of the certificate if all of the following conditions are satisfied:

1. A certificate of birth resulting in stillbirth has been prepared and filed under sub. (2) or (3).
2. The parent requesting a certified copy of the certificate submits the request in writing.
3. The request is accompanied by the fee required under s. 69.22 (1) (cm).

History: 2003 a. 300.

69.15 Changes of fact on birth records. **(1) BIRTH RECORD INFORMATION CHANGES.** The state registrar may change information on a birth record registered in this state which was correct at the time the birth record 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 or, for a paternity action, a clerk of court or county child support agency under s. 59.53 (5), sends the state registrar a certified report of an order of a court in this state in the method prescribed 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 record for the subject of the adoption unless the adoptive parents or the subject of the adoption requests, under s. 48.94 (1), that no new record be prepared. If the order is from a court in this state, the order shall include a certified copy of the original birth record registered for the subject of the adoption. The new record shall show:

1. The name of the registrant.
2. The date and place of birth as transcribed from the original record. The date and place on the original record 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 record.
6. Any other information necessary to complete the new record.

(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 the child has automatically acquired U.S. citizenship under 8 USC 1431 upon a court order granting an adoption after a foreign guardianship order as required under s. 48.97 (3), the certification shall also indicate that the child is recognized as a U.S. citizen by this state and that the certification shall have the full force and effect of a birth certificate issued by the state registrar. 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 record was adopted without a change in the registrant's birth record 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 record for the registrant.

(d) 1. A court shall order the state registrar to prepare for the subject of a birth record a new birth record based on the information on the subject's original birth record if all of the following circumstances apply:

- a. The subject of the birth record petitions the court for a new birth record.
- b. The subject is an adult who was the subject of an adoption.
- c. The subject did not have the opportunity under par. (a), at the time of the adoption, to request that no new birth record be prepared.
- d. The subject knows the identity of each birth parent who is named on his or her original birth record.
- e. Each birth parent who is alive and who is named on the subject's original birth record does not object to the restoration of the information on the subject's original birth record.

2. If the court grants an order under subd. 1., the state registrar shall prepare under sub. (6) a new birth record using all of the information contained on the original birth record, except for the adoptee's given name at birth, if different.

3. After preparing a new birth record under subd. 2., the state registrar shall follow the procedure under sub. (6) (b) to impound all other birth records of the subject except the subject's new birth record.

(e) If the state registrar receives an order under s. 48.97 (2) (d) registering the foreign adoption of a child who was adopted under the circumstances described in s. 48.97 (2), the state registrar shall prepare a certification of birth data for the child using the form in use at the time the court submits the information under s. 48.97 (2) (d). 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 the child has automatically acquired U.S. citizenship under 8 USC 1431 upon a court order registering a foreign adoption order under s. 48.97 (2) (d), the certification shall also indicate that the child is recognized as a U.S. citizen by this state and that the certification shall have the full force and effect of a birth certificate issued by the state registrar.

(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 record is not the father of the registrant, the state registrar shall do the following, as appropriate:

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

2. Prepare under sub. (6) a new record 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 record.

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

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 record prepared under subd. 1. or 2. or on the original birth record 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 record under sub. (6).

(b) 1. Except as provided under par. (c), if the state registrar receives a statement acknowledging paternity in the manner prescribed by the state registrar and signed by both of the birth parents of a child determined to be a marital child under s. 767.803, a certified copy of the parents' marriage record, and the fee required under s. 69.22 (5) (b) 1., the state registrar shall insert the name of the husband from the marriage record as the father if the name of the father was omitted on the original birth record. The state registrar shall include for the acknowledgment the items in s. 767.813 (5g).

2. Except as provided under par. (c), if the parent of a child determined to be a marital child under s. 767.803 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 in the method prescribed by the state registrar and signed by both parents, neither of whom was under the age of 18 years when the form was signed, 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 record to show that the acknowledgement is on file. The acknowledgement shall be available to the department of children and families or a county child support agency under s. 59.53 (5) pursuant to the program responsibilities under s. 49.22 or to any other person with a direct and tangible interest in the record. The state registrar shall include on the acknowledgement the information in s. 767.805 and the items in s. 767.813 (5g).

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 record, the state registrar shall enter the name indicated on the birth record 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 record under par. (b) 4. and the registrant has not reached the age of 7 years, the state registrar shall make a new record under sub. (6).

(d) The method prescribed by the state registrar for acknowledging paternity shall require that the social security number of each of the registrant's parents be provided.

(3m) RESCISSION OF STATEMENT ACKNOWLEDGING PATERNITY.

(a) A statement acknowledging paternity that is filed with the

state registrar under sub. (3) (b) 3. may be rescinded by either person who signed the statement as a parent of the registrant if all of the following apply:

1. The statement was signed and filed on or after April 1, 1998.

2. The person rescinding the statement files with the state registrar a rescission in the method prescribed by the state registrar.

3. The person rescinding the statement files a rescission in the method prescribed under subd. 2. before the day on which a court or circuit court commissioner makes an order in an action affecting the family involving the man who signed the statement and the child who is the subject of the statement or before 60 days elapse after the statement was filed, whichever occurs first.

(b) If the state registrar, within the time required under par. (a) 3., receives a rescission in the method prescribed by the state registrar, along with the proper fee under s. 69.22, the state registrar shall prepare under sub. (6) a new record omitting the father's name if it was inserted under sub. (3) (b).

(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 record.

(b) Any person with a direct and tangible interest in a birth record registered in this state may petition a court to change the name and sex of the registrant on the record 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 record, except that if the court orders the state registrar to prepare a new record the state registrar shall prepare a new record under sub. (6). This subsection does not apply to a name change prohibited under s. 301.47.

(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 by the state registrar, in writing, in the manner prescribed 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 record. The state registrar is not required to issue a new birth certificate under this paragraph.

(5) NEW RECORD FOR A PERSON WITHOUT ANY RECORD. If no birth record has been registered for any person who is more than 365 days old and who is entitled to a new record 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 record for the individual under s. 69.14 (2) (b) before preparing a new record under sub. (6).

(6) PREPARATION OF NEW RECORDS. (a) The state registrar shall prepare a new birth record that shall include the date of creation of the new record.

(b) The state registrar shall register a new record created under this section and shall impound the original record or the record 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 notice of any new record registered under this section to the local registrar who filed the original record. Upon notification, the local registrar shall destroy his or her copy of the original record.

(c) If the state registrar changes a birth record on file or registered under this section instead of preparing a new record, the state registrar shall make the change under s. 69.11 (5).

History: 1985 a. 315; 1987 a. 413; 1989 a. 183; 1993 a. 481; 1995 a. 201, 404; 1997 a. 3, 27, 191; 2001 a. 16, 61; 2003 a. 52; 2005 a. 443 ss. 4, 5, 265; 2007 a. 20; 2013 a. 170, 379; 2015 a. 380; 2017 a. 334.

Although sub. (1) (a) provides for changing a name according to an order in a paternity action, it does not provide authority to order a name change in a paternity action without complying with the procedural requirements for a name change under s. 786.36. Paternity of Noah J.M. 223 Wis. 2d 768, 590 N.W.2d 21 (Ct. App. 1998), 97-2353.

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 in the manner 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 make the record available to the local registrar under s. 69.03 (11).

History: 1985 a. 315; 2017 a. 334.

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, in the manner prescribed by the state registrar, a report of every divorce or annulment of marriage granted during the biweekly period. The state registrar shall require that the social security numbers of the parties to the divorce or annulment and the social security number of any child of the parties be provided.

History: 1985 a. 315; 1997 a. 191; 2017 a. 334.

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 death record for the corpse under this subsection in the manner 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 death record under par. (b) shall obtain the information required for the death record from the next of kin or the best qualified person or source available. The person filing the death record shall enter his or her signature on the record and include his or her address and the date of signing and shall present or mail the record, within 24 hours after being notified of the death, to the physician, coroner or medical examiner

responsible for completing and signing the medical certification. Within 2 days after receipt of the medical certification, the person filing the death record shall mail or present the death record 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, a nursing home, as defined in s. 50.01 (3), or a hospice that is the place of death of a person may prepare a death record for the person and give the record to the person who moves the corpse under par. (a).

(cm) 1. For purposes of preparation of the death record and in accordance with accepted medical standards, a hospice nurse in a hospice that is directly involved with the care of a hospice patient who dies may pronounce the date, time, and place of the patient's death if all of the following apply:

a. The patient was generally under the care of a physician at the time of death.

b. The death was anticipated.

2. Subd. 1. may not be construed to authorize a hospice nurse to certify under sub. (2) (b) the cause of the patient's death.

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

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.

(1m) FORMAT. Beginning on September 1, 2013, a record of death shall consist of the following parts:

(a) Fact-of-death information, which shall include all of the following:

1. The name and other identifiers of the decedent, including the decedent's social security number, if any.

2. The date, time, and place that the decedent was pronounced dead.

4. The identity of the person certifying the death.

5. The dates of certification and filing of the death record.

(b) Extended fact-of-death information, which includes all of the following:

1. All information under par. (a).

2. Information on final disposition, manner, and cause of death.

3. Injury-related data.

(c) Statistical-use-only information, which includes all of the following:

1. All information other than that under par. (b) that is collected on the standard death record form recommended by the federal agency responsible for national vital statistics.

2. Other data, as directed by the state registrar, including race, educational background, and health risk behavior.

(2) MEDICAL CERTIFICATION. (a) For a death record, in the manner prescribed by the state registrar under sub. (1) (b), the state registrar shall provide for a medical certification 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 record 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 for the death and mail the death record within 5 days after the pronouncement of death or present the record to the person responsible for filing the death record 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 for the death and mail the death record within 5 days after the pronouncement of death or present the record to the person responsible for filing the death record 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 record 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, in the manner 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 record if the cause of death of the subject of the record 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 STILL-BIRTH. (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 in the manner prescribed 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. (a) 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:

- 1g. An individual specified under s. 154.30 (2) (b).
- 1m. The decedent's spouse.
2. An adult son or daughter of the decedent.
3. Either parent of the decedent.
4. An adult brother or sister of the decedent.
5. A guardian of the person of the decedent at the time of the decedent's death.
6. Any other person authorized or under obligation to dispose of the decedent's corpse.

(bm) A cemetery authority may disinter and reinter buried human remains as provided under s. 157.112 without first obtaining an authorization under par. (a).

History: 1985 a. 315; 1985 a. 332 s. 253; 1989 a. 307; 1993 a. 386; 1995 a. 357; 1997 a. 114; 2001 a. 16; 2003 a. 273; 2005 a. 266; 2007 a. 58; 2013 a. 168; 2017 a. 334; s. 35.17 correction in (3) (a).

Cross-reference: See also chs. DHS 135 and 136, Wis. adm. code.

Sub. (2) (f) does not require a death certificate to state the basis of a patient's treatment or the type of treatment. *Neuman v. Circuit Court for Marathon County*, 231 Wis. 2d 440, 605 N.W.2d 280 (Ct. App. 1999), 99–0714.

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.

(hf) The probable postfertilization age of the unborn child, as defined in s. 253.107 (1) (c), and whether an ultrasound was used to assist in making the determination of postfertilization age of the unborn child, or, if the probable postfertilization age of the unborn child was not determined, the nature of the medical emergency, as defined in s. 253.10 (2) (d).

(hm) Whether the abortion was a chemically induced abortion, a surgical abortion or a surgical abortion following a failed or incomplete chemical abortion.

(i) Complications, if any, resulting from performance of the induced abortion.

(j) If the patient is a minor, whether consent was provided under s. 48.375 (4) (a) 1. for the abortion and, if so, the relationship of the individual providing consent to the minor; or, if consent under s. 48.375 (4) (a) 1. was not provided, on which of the bases under s. 48.375 (4) (a) 2. or (b) 1., 1g., 1m., 2. or 3. the abortion was performed.

(k) If the unborn child is considered to be capable of experiencing pain under s. 253.107 (3) (a), the nature of the medical emergency, as defined in s. 253.10 (2) (d), that the pregnant woman had.

(L) If the unborn child is considered to be capable of experiencing pain under s. 253.107 (3) (a), a statement whether the method of abortion used was one that, in reasonable medical judgment, provided the best opportunity for the unborn child to survive or, if such a method was not used, the basis of the determination that termination of the pregnancy in that manner posed a greater

risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function of the woman than other available methods.

(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; 1995 a. 309; 1997 a. 27; 2015 a. 56.

69.19 Court-ordered death records. If a person has died in this state and final disposition of the person's corpse has been effected but no death record is on file one year after a death, a person with a direct and tangible interest in having a death record 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 death record, the clerk of the court shall report the court's determination to the state registrar in the manner 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 record.

History: 1985 a. 315; 2017 a. 334.

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 record of birth, divorce or annulment, termination of domestic partnership, marriage, or a declaration of domestic partnership that is designated on the record as being collected for statistical or medical and statistical use only and information in the part of a death record that is designated on the record as being collected as statistical-use-only information under s. 69.18 (1m) (c) may not be disclosed to any person except the following:

1. The subject of the information, or, if the subject is a minor, his or her parent or guardian.
2. For a death record, any of the persons specified under s. 69.18 (4) (a) 1g. to 6. or an individual who is authorized in writing by one of the persons.

(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.

(c) Except as provided under sub. (3), until 50 years after a decedent's date of death, the state registrar and a local registrar may not permit inspection of or disclose information contained in the portion under s. 69.18 (1m) (b) 2. and 3. of the death record to anyone except to a person specified under sub. (1), or to a direct descendant of the decedent.

(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 record 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 record or issue a copy of the record 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) Subject to par. (f), 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) Public use indexes of birth, death, marriage, divorce, domestic partnership, termination of domestic partnership, or annulment records that are filed in the system of vital records at the state or local level are accessible only by inspection at the office of the state registrar or of a local registrar and may not be copied or reproduced except as follows:

1. a. Birth record index information may be copied or reproduced for the public only after 100 years have elapsed from the year in which the birth occurred. No information in the index that has been impounded under s. 69.15 may be released.

b. Subdivision 1. a. does not apply to birth record indexes of events that occurred before October 1, 1907.

2. Indexes of death, marriage, divorce, domestic partnership, termination of domestic partnership, or annulment records may be copied or reproduced for the public after 24 months have elapsed from the year in which the event occurred.

3. Beginning January 1, 2003, any information that is obtained from an index under subd. 1. or 2. and that is released shall contain the following statement: “This information is not a legal vital record index. Inclusion of any information does not constitute legal verification of the fact of the event.”

(f) The state or a local registrar may disclose a social security number on a vital record to the department of children and families or a county child support agency under s. 59.53 (5) in response to a request under s. 49.22 (2m).

(g) The state or local registrar, upon request of the department of revenue, may disclose information on vital records, including a social security number, to the department of revenue only for the following purposes related to administering state taxes and collection of debts referred to the department of revenue:

1. Locating persons, or the assets of persons, who have failed to file tax returns, have underreported their taxable income, or are delinquent debtors.

2. Identifying fraudulent tax returns and credit claims.

3. Providing information for tax-related prosecutions.

(h) 1. In this paragraph, “qualified independent researcher” means a faculty member of a university who satisfies all of the following:

a. The faculty member has an approved protocol from an institutional review board for human subjects research to work with data containing personal information for the purposes of evaluating the program under s. 119.23.

b. The faculty member has received from the state and properly managed data containing personal information for the purposes of evaluating the program under s. 119.23 before July 14, 2015.

2. The state registrar shall effect a disclosure of information prohibited under sub. (2) to a qualified independent researcher for the purpose of cross-matching the information disclosed by the registrar with information in a database that both is in the possession of the qualified independent researcher and contains information regarding pupils participating in the program under s. 119.23. The state registrar may charge a fee to the qualified independent researcher for the information that does not exceed the cost incurred by the state registrar to provide the information.

(4) Under procedures that are promulgated by rule, the state registrar and every local registrar shall protect vital records from mutilation, alteration, theft, or fraudulent use and shall protect the privacy rights of registrants and their families by strictly controlling direct access to any vital record.

History: 1985 a. 315; 1993 a. 27; 1995 a. 27 s. 9145 (1); 1997 a. 27, 191; 2001 a. 16; 2007 a. 20, 58; 2009 a. 28; 2013 a. 20; 2015 a. 55, 157; 2017 a. 334.

Cross-reference: See also ch. DHS 142, Wis. adm. code.

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, if the vital record is enabled for statewide issuance in the state registrar’s electronic system of vital records, to the extent permitted under s. 69.21 (1) (b) 3., and if the request is accompanied by the fee required under s. 69.22. If a vital record is not enabled for statewide issuance in the state registrar’s electronic system of vital records, the registrar

responsible for filing or registration of the vital record may issue a certified copy under this section.

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

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, death, divorce, annulment, or marriage record, the disclosure of which is limited under s. 69.20 (2) (a) and (c), unless the requester is the subject of the information or, for a decedent, unless the requester is specified in s. 69.20 (2) (a) 2.

c. The birth record of a person if no surname has been entered on the birth record 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 record 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 record 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 record of birth, death, divorce, termination of domestic partnership, marriage, or a declaration of domestic partnership under par. (a) through the state system of vital records if it is enabled.

4. A copy of a death record issued under par. (a) for a death that occurred before September 1, 2013, shall include the name, sex, date and place of death, age or birth date, cause and manner of death, and social security number, if any, of the decedent, and the file number and the file date of the record, except that a requester may, upon request, obtain a copy that does not include the cause of death.

5. A copy of a death record issued under par. (a) for a death that occurs after August 31, 2013, shall be on a form that contains only fact-of-death information specified in s. 69.18 (1m) (a), except that a requester may, upon request, obtain a form that contains extended fact-of-death information specified in s. 69.18 (1m) (b).

(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 (1) and (2) shall apply to issuance under this paragraph of any copy of a vital record containing such information. Any uncertified copy issued under this paragraph shall have on its face a notice that it is uncertified.

(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).

(d) 1. An uncertified photocopy of a vital record for an event occurring before October 1, 1907, other than a vital record held by the state registrar and any local registrar, shall be stamped “NOT FOR IDENTITY PURPOSES” across its face and is subject to this paragraph but is not otherwise subject to the limitations of this section or the requirements of s. 69.22.

3. The holder of the vital record from which uncertified photocopies may be made and issued under this paragraph may establish fees for the photocopies.

(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 record 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 in the manner prescribed by the state registrar, who shall issue the certified copy.

History: 1985 a. 315; 1987 a. 307; 1997 a. 210; 1999 a. 185; 2001 a. 16; 2015 a. 142, 157; 2017 a. 334.

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

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

69.22 Fees. (1) Except as provided in sub. (6), the state registrar and any local registrar acting under this subchapter shall collect the following fees:

(a) Except as provided under par. (c), \$20 for issuing one certified copy of a vital record and \$3 for any additional certified copy of the same vital record issued at the same time.

(b) Except as provided under par. (c), \$20 for issuing an uncertified copy of a vital record issued under s. 69.21 (2) (a) or (b), \$7 for verifying information about the event submitted by a requester without issuance of a copy, and \$3 for any additional copy of the same vital record issued at the same time.

(c) Twenty dollars for issuing an uncertified copy of a birth record or a certified copy of a birth record, and \$3 for issuing any additional certified or uncertified copy of the same birth record issued at the same time.

(cm) Ten dollars for issuing one certified copy of a birth record resulting in stillbirth and \$3 for any additional certified copy of the same record issued at the same time.

(d) In addition to other fees under this subchapter, \$20 for expedited service in issuing a vital record.

(1m) The state registrar and any local registrar acting under this subchapter shall, for each copy of a birth record for which a fee under sub. (1) (c) is charged that is issued during a calendar

quarter, forward to the secretary of administration for deposit in the appropriation accounts under s. 20.433 (1) (g) and (h) \$7 by the 15th day of the first month following the end of the calendar quarter.

(1q) The state registrar and any local registrar acting under this subchapter shall forward to the secretary of administration for deposit in the appropriation account under s. 20.435 (1) (gm) all of the following:

(a) For any certified copy of a vital record for which a fee of \$20 under sub. (1) (a) is charged, \$13.

(b) For any uncertified copy of a vital record for which a fee of \$20 under sub. (1) (b) is charged, \$13.

(c) For any copy of a birth certificate for which a fee of \$20 under sub. (1) (c) is charged, \$8.

(d) For expedited service in issuing a vital record, \$10.

(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.

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

(a) Ten dollars for:

1. Making any change under s. 69.11 (4).

2. Making any change ordered by a court under s. 69.12 (3) or 69.15 (4) (a).

3. Making any change in a birth record under s. 69.15 (3).

(b) Twenty dollars for:

1. Any new vital record registered under s. 69.12 (4), 69.14 (2) (b), 69.15 (2), (3m), (4) (b), or (6), 69.16 (2), or 69.19, or any corrected vital record registered under s. 69.13.

2. The filing of a birth record under s. 69.14 (2) (b) 5. The fee under this subdivision includes the search for the birth record and the first copy of the certificate except that the state registrar shall add to the \$20 fee, \$5.

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

History: 1985 a. 315; 1985 a. 332 s. 253; 1987 a. 27; 1991 a. 39; 1993 a. 16, 27; 1995 a. 27; 1997 a. 191, 210; 2001 a. 16, 106; 2003 a. 33, 300; 2007 a. 20; 2009 a. 28; 2017 a. 334.

69.24 Penalties. (1) Any person who does any of the following is guilty of a Class I felony:

(a) Other than as authorized under ss. 69.21 (2) (d) and 69.30 (3), 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) Willfully and knowingly makes any false statement in a birth or death record under s. 69.09, 69.10, 69.14 or 69.18, in an application for an amendment to a birth or death record under s. 69.11 or 69.12 or in a request for a certified copy of a birth record under s. 69.21.

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

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

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

(f) Willfully 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, divorce, domestic partnership, or termination of a domestic partnership 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 employee, furnishes or processes a birth or death record or a certified copy of a birth or death record with the knowledge or intention that the record 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) Willfully and knowingly commits any of the actions prohibited under sub. (1) in relation to records of marriage, divorce, declaration of domestic partnership, or termination of domestic partnership.

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

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

(d) Willfully 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; 1997 a. 210, 283; 2001 a. 16, 109; 2009 a. 28; 2015 a. 142; 2017 a. 334.

A bank, its employees, 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.

(bd) “Long-term care district” has the meaning given in s. 46.2805 (7r).

(bm) “Service office” has the meaning given in s. 45.04 (1) (b).

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

(d) “Wisconsin works agency” has the meaning given in s. 49.001 (9).

(2) A financial institution, state agency, county department, Wisconsin works agency, service office or long-term care district or an employee of a financial institution, state agency, county department, Wisconsin works agency, service office or long-term care district 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, county department, Wisconsin works agency, service office or long-term care district, including use under s. 45.04 (5), if the copy is marked “FOR ADMINISTRATIVE USE”.

(2m) A county clerk under s. 59.23 or a clerk of court under s. 59.40 who processes passport applications is not subject to s. 69.24 (1) (a) for copying a certified copy of a birth certificate, if provided to a person for submission with a passport application and the copy is marked “FOR PASSPORT USE ONLY”.

(3) Any person may copy or may make available electronically an uncertified copy of a vital record for an event occurring before October 1, 1907, that is issued under s. 69.21 (2) (b) or (d).

History: 1989 a. 313; 1991 a. 221, 269, 315; 1995 a. 27; 1997 a. 27; 1999 a. 9; 2005 a. 22; 2007 a. 20; 2015 a. 142; 2017 a. 48.

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 and transmit to the county treasurer, on forms furnished by the department of revenue, a statement showing the total amount of all taxes levied by the town, city, or village for the current year.

History: 1971 c. 154; 1975 c. 295, 421; Stats. 1975 s. 69.60; 1991 a. 39; 2001 a. 107.

69.61 Annual statement of taxes. (1) Annually, on or before the 3rd Monday of December, each city, village, and town clerk shall make and file with the department of revenue a statement in detail of all taxes levied in the clerk’s city, village, or town during the year. Any clerk who fails to make the statement required under this section within the required time shall be liable to the city, village, or town for all damages caused by the delinquency.

(2) The department of revenue shall prepare and furnish to each county clerk forms and instructions for the statement required under this section. The clerk of each county shall, immediately upon receipt of the forms and instructions from the department of revenue distribute the forms and instructions to the clerk of each city, village, and town in the county, at the county’s expense.

History: 1975 c. 295 ss. 3, 9; 1975 c. 421; Stats. 1975 s. 69.61; 2001 a. 107.

69.62 Returns to department of revenue. (1) Annually, on or before November 30, each county clerk shall make 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 taxes were levied and expended. Any county clerk failing to make the statement required under this section within the required time, shall be liable to the county for all damages caused by the delinquency.

(2) The department of revenue shall prepare and furnish to the clerk of each county forms and instructions for the statement required under this section.

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; 2001 a. 107.

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, the document number, and, if given, the volume and page number of the record of the instrument of conveyance or sale.

(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; 2017 a. 102.

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.