



## 1997 ASSEMBLY BILL 289

April 17, 1997 - Introduced by Representatives BLACK and UNDERHEIM,  
cosponsored by Senator RISSER. Referred to Committee on Judiciary.

1     **AN ACT to amend** 767.24 (7m) (a) (intro.), 767.24 (7m) (b), 767.51 (3r) (a) (intro.)  
2             and 767.51 (3r) (b) of the statutes; **relating to:** requiring a parent to provide  
3             medical and medical history information if the parent is not granted legal  
4             custody of a child.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a court must order a parent who is not granted legal custody of a child in an annulment, legal separation, divorce or paternity action to provide to the court medical and medical history information about the parent providing the information, as well as a report of any medical examination that the parent has had within the past year. The parent providing the information must also provide medical and medical history information about his or her parents and siblings, and about any siblings of the child unless the parent or other person with legal custody of the child also has legal custody of the sibling. If the court grants joint legal custody of a child, each parent must provide the information to the court. The court must keep the information confidential, but must release it to a physician in response to a joint written request from a physician and a parent or other person with legal custody of the child. The physician to whom the information is released may release to the parent or other person with legal custody who made the request only that portion of the information that the physician determines is relevant to the child's medical condition.

This bill limits the requirement to provide medical and medical history information to situations in which a court grants sole legal custody of a child. Only

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a parent who is not granted legal custody must provide the information. Instead of keeping the information, a court must send the information to the department of health and family services (DHFS). Any request for the release of the information must be made to DHFS. Finally, the bill allows the child, if the child is age 18 or older, to jointly request with a physician the release of the information to a physician, who may release to the child only that portion of the information that the physician determines is relevant to the child's medical condition.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 767.24 (7m) (a) (intro.) of the statutes is amended to read:

2           767.24 (**7m**) (a) (intro.) In making an order of legal custody, the court shall  
3 require a parent who is not granted legal custody of a child to provide to the court  
4 medical and medical history information that is known to the parent. ~~If the court~~  
5 ~~orders joint legal custody, the court shall require each parent to provide to the court~~  
6 ~~medical and medical history information that is known to the parent.~~ The court shall  
7 send the information to the department of health and family services. The  
8 department of health and family services must keep the information confidential and  
9 may release it only as provided in this subsection. The information provided shall  
10 include all of the following:

11           **SECTION 2.** 767.24 (7m) (b) of the statutes is amended to read:

12           767.24 (**7m**) (b) Upon the joint written request of a physician and a parent or  
13 other person with legal custody of the child, or upon the joint written request of a  
14 physician and the child if the child is at least 18 years of age, the court department  
15 of health and family services shall release the information provided under par. (a)  
16 to a physician designated in the request. The physician joining in the request need  
17 not be the same physician designated in the request. The physician to whom the

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1 information is released shall keep the information confidential, but may release to  
2 the parent or other person with legal custody or child who made the request under  
3 this paragraph only that portion of the information that the physician determines  
4 is relevant to the child's medical condition.

5 **SECTION 3.** 767.51 (3r) (a) (intro.) of the statutes is amended to read:

6 767.51 **(3r)** (a) (intro.) In making an order of legal custody under sub. (3), the  
7 court shall require a parent who is not granted legal custody to provide to the court  
8 medical and medical history information that is known to the parent. ~~If the court~~  
9 ~~orders joint legal custody, the court shall require each parent to provide to the court~~  
10 ~~medical and medical history information that is known to the parent.~~ The court shall  
11 send the information to the department of health and family services. The  
12 department of health and family services must keep the information confidential and  
13 may release it only as provided in this subsection. The information provided shall  
14 include all of the following:

15 **SECTION 4.** 767.51 (3r) (b) of the statutes is amended to read:

16 767.51 **(3r)** (b) Upon the joint written request of a physician and a parent or  
17 other person with legal custody of the child, or upon the joint written request of a  
18 physician and the child if the child is at least 18 years of age, the court department  
19 of health and family services shall release the information provided under par. (a)  
20 to a physician designated in the request. The physician joining in the request need  
21 not be the same physician designated in the request. The physician to whom the  
22 information is released shall keep the information confidential, but may release to  
23 the parent or other person with legal custody or child who made the request under

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**SECTION 4**

1 this paragraph only that portion of the information that the physician determines  
2 is relevant to the child's medical condition.

3 (END)