

1993 Senate Bill 675

Date of enactment: April 16, 1994
Date of publication*: April 29, 1994

1993 WISCONSIN ACT 346

AN ACT to amend 69.12 (1); and to create 69.12 (4) of the statutes, relating to: issuing replacements of certain death certificates that are changed by court order.

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

SECTION 1. 69.12 (1) of the statutes is amended to read:

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

SECTION 2. 69.12 (4) of the statutes is created to read:

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

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

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

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

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