

CHAPTER 191.

AN ACT to amend 328.39 (1) of the statutes, relating to minors in actions involving legitimacy.

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

328.39 (1) of the statutes is amended to read:

328.39 (1) Whenever it is established in an action or proceeding that a child was born to a woman while she was the lawful wife of a specified man, any party asserting the illegitimacy of the child in such action or proceeding shall have the burden of proving beyond all reasonable doubt that the husband was not the father of the child. In all such actions or proceedings the husband and the wife are competent to testify as witnesses to the facts. The court or judge shall in such cases *order the child made a party and shall* appoint a guardian ad litem to appear for and represent the child whose paternity is questioned. In divorce and separation actions, in which the question of illegitimacy is raised, and in illegitimacy proceedings, the court being satisfied that the parties to the action are unable to adequately compensate the guardian ad litem for his services and expenses, the court shall then make an order specifying the guardian's fee and expenses, which fee and expenses shall be paid as provided in section 357.26.

Approved May 28, 1949.
