

**1999 DRAFTING REQUEST**

**Bill**

Received: **11/24/98**

Received By: **malaigm**

Wanted: **As time permits**

Identical to LRB:

For: **Steven Foti (608) 266-2401**

By/Representing: **Aide**

This file may be shown to any legislator: **NO**

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Children - miscellaneous**

Extra Copies:

**Topic:**

Name change of a minor

**Instructions:**

Redraft 1997 ABn 167 with adopted amendments 1, 3, and 4

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 11/24/98	gilfokm 11/27/98		_____			
/1			ismith 11/30/98	_____	lrb_docadmin 11/30/98	lrb_docadmin 01/14/99	

FE Sent For:

<END>

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/?	malaigm	1-11-27-98 JLG	IS 11/30	IS/HH 11/30			

FE Sent For:

<END>



1029/1  
Stays

9

# 1997 ASSEMBLY BILL 167

March 11, 1997 - Introduced by Representatives FOTI, LADWIG, ~~HANDRICK, RILEY, DUFF, DOBYNS, GOETSCH, GRONEMUS, WILLIAMS, HUTCHISON, LORGE, MUSSER, M. LEHMAN, CULLEN, HAHN and WARD,~~ cosponsored by Senators BUETTNER, FARROW, WELCH, PANZER and ROSENZWEIG. Referred to Committee on Children and Families.

Regen

Regenerate

1 AN ACT to renumber and amend 786.36 and 786.37; and to create 786.36 (2)

2 (b), 786.36 (2) (c) and 786.37 (2) of the statutes; relating to: changing the name

3 of a minor.

and files an affidavit showing that the petitioning parent has made a reasonable attempt to provide notice to the nonpetitioning parent, but with reasonable diligence the nonpetitioning parent cannot be found

**Analysis by the Legislative Reference Bureau** or provided with notice

Under current law, a resident of this state, in order to change his or her name, must petition the circuit court for an order changing his or her name. Currently, if the person whose name is to be changed is a minor under 14 years of age, both parents of the minor, if living, must file the petition. Currently, before applying to the court for a name change, the petitioner must publish a legal notice of the application once each week for ~~3~~ consecutive weeks in a newspaper that is likely to give notice to persons affected by the name change.

three

two

This bill permits one parent to petition for the name change of a minor under 14 years of age who has ~~2~~ living parents if the petitioning parent, in addition to filing proof of publication of the notice as required under current law, also files proof that the petitioning parent mailed a copy of the notice and petition to the last-known address of the nonpetitioning parent, if that address can be obtained with reasonable diligence. The court may order the name change if the nonpetitioning parent does not appear at the hearing or otherwise answer the petition. If the nonpetitioning parent does appear at the hearing or answer the petition and shows that he or she has not dissociated himself or herself from the minor or relinquished responsibility.

Served a copy of the notice and petition on the nonpetitioning parent or, if with reasonable diligence the ~~non~~ petitioning parent could not be served,

**ASSEMBLY BILL 167**

abandoned the minor or failed to assume parental responsibility for ~~the~~

~~for the care, support and well-being of~~ the minor, the court may order the name change only on the consent of the nonpetitioning parent.

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

1 SECTION 1. 786.36<sup>X</sup> of the statutes is renumbered 786.36 (1) and amended to  
2 read:

3 786.36 (1)<sup>✓</sup> Any resident of this state, whether a minor or adult, may upon  
4 petition to the circuit court of the county where he or she resides and upon filing a  
5 copy of the notice, with proof of publication, as required by s. 786.37 (1)<sup>✓</sup>, if no  
6 sufficient cause is shown to the contrary, have his or her name changed or established  
7 by order of the court. If

8 (2) (a) Subject to par. (b)<sup>✓</sup>, if the person whose name is to be changed is a minor  
9 under the age of 14 years, the petition may be made by ~~both~~ both parents, if living, or the  
10 survivor of them; the guardian or person having legal custody of the minor, if both  
11 parents are dead or if the parental rights<sup>of both parents</sup> have been terminated by judicial  
12 proceedings; or the mother, if the minor is a nonmarital child who is not adopted or  
13 whose parents do not subsequently intermarry under s.<sup>✓</sup> 767.60, except that the  
14 father must also make the petition unless his<sup>parental</sup> rights have been legally terminated. <sup>if the</sup>

15 (3)<sup>✓</sup> The order shall be entered at length upon the records of the court and a  
16 certified copy of the record shall be recorded in the office of the register of deeds of  
17 the county, who shall make an entry in a book to be kept by the register. The fee for  
18 recording a certified copy is the fee specified under s. 59.43 (2) (ag). If the person  
19 whose name is changed or established was born or married in this state, the clerk  
20 of the court shall send to the state registrar of vital statistics, on a form designed by  
21 the state registrar of vital statistics, an abstract of the record, duly certified,

PROOF W/STATS.

if the paternity of the minor has been established

ASSEMBLY BILL 167

PROOF W/STATS.

1 accompanied by the fee prescribed in s. 69.22, which fee the clerk of court shall charge  
2 to and collect from the petitioner. The state registrar of vital statistics shall then  
3 correct the birth record, marriage record or both, and direct the register of deeds and  
4 local registrar to make similar corrections on their records.

5 (4) No person engaged in the practice of any profession for which a license is  
6 required by the state may change his or her given name or his or her surname to any  
7 other given name or any other surname than that under which the person was  
8 originally licensed in the profession in this or any other state, in any instance in  
9 which the state board or commission for the particular profession, after a hearing,  
10 finds that practicing under the changed name operates to unfairly compete with  
11 another practitioner or misleads the public as to identity or otherwise results in  
12 detriment to the profession or the public. This prohibition against a change of name  
13 by a person engaged in the practice of any profession does not apply to any person  
14 legally qualified to teach in the public schools in this state, nor to a change of name  
15 resulting from marriage or divorce, nor to members of any profession for which there  
16 exists no state board or commission authorized to issue licenses or pass upon the  
17 qualifications of applicants or hear complaints respecting <sup>the</sup> conduct of members of the  
18 profession.

personal service, substituted service or

19 (5) Any change of name other than as authorized by law is void.

20 SECTION 2. 786.36 (2) (b) <sup>X</sup> of the statutes is created to read:

21 786.36 (2) (b) <sup>✓</sup> Notwithstanding par. (a), the name of a minor under 14 years of  
22 age who has 2 living parents may be changed on the petition of one parent if, in  
23 addition to filing a copy of the notice, with proof of publication, as required by s.  
24 786.37 (1) <sup>✓</sup>, the petitioning parent files proof of mailing, as required by s. <sup>✓</sup>786.37 (2),



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Insert 4-1 ✓

1 and the nonpetitioning parent does not appear at the hearing on the petition or  
2 otherwise answer the petition.

3 SECTION 3. 786.36 (2) (c) <sup>x</sup> of the statutes is created to read:

4 786.36 (2) (c) If the nonpetitioning parent appears at the hearing on the  
5 petition or otherwise answers the petition and shows that he or she has not  
6 ~~dissociated himself or herself from the minor or relinquished responsibility for the~~  
7 ~~minor's care, support and well-being, the court shall require the consent of the~~  
8 nonpetitioning parent before changing the name of the minor.

Insert 4-7 ✓

9 SECTION 4. 786.37 <sup>x</sup> of the statutes is renumbered 786.37 (1) and amended to  
10 read:

11 786.37 (1) Before applying to petitioning the court for changing or establishing  
12 to change or establish a name, the applicant petitioner shall publish a class 3 notice  
13 under ch. 985 stating the nature of the application petition and when and where the  
14 application petition will be made heard.

PROOF w/STATS.

15 (3) This section does not apply to the name change of a minor if parental rights  
16 of both parents to the minor have been terminated ~~and~~ guardianship and legal custody transferred  
17 under subch. VIII of ch. 48, <sup>2</sup> ~~and~~ the minor has been placed in a permanent foster  
18 home or a permanent treatment foster home, <sup>and</sup> the guardian and legal custodian <sup>of the</sup>  
19 have petitioned to change the minor's name to the name or names of the minor's  
20 foster parents or treatment foster parents. <sup>of the minor</sup>

Insert 4-24 ✓

21 SECTION 5. 786.37 (2) <sup>x</sup> of the statutes is created to read:

22 786.37 (2) If the petition is for the change of name of a minor under 14 years  
23 of age who has 2 living parents, <sup>if</sup> and the petition is being made by one parent of the  
24 minor, the petitioner shall, in addition to publishing the notice under sub. (1), mail  
25 a copy of the notice and petition to the last-known address of the nonpetitioning

**ASSEMBLY BILL 167**

1 parent at or immediately prior to the time of the first publication under sub. (1), if  
2 that address can be ascertained with reasonable diligence.

3 **SECTION 6. Initial applicability.**

4 (1) This act first applies to petitions for name changes that are filed on the  
5 effective date of this subsection.

6

(END)



State of Wisconsin  
1997 - 1998 LEGISLATURE

LRBa0177/1  
GMM;jlg:arm

Insert 4-11

ASSEMBLY AMENDMENT 1,  
TO 1997 ASSEMBLY BILL 167

September 4, 1997 - Offered by Representative FOTI.

1 At the locations indicated, amend the bill as follows:

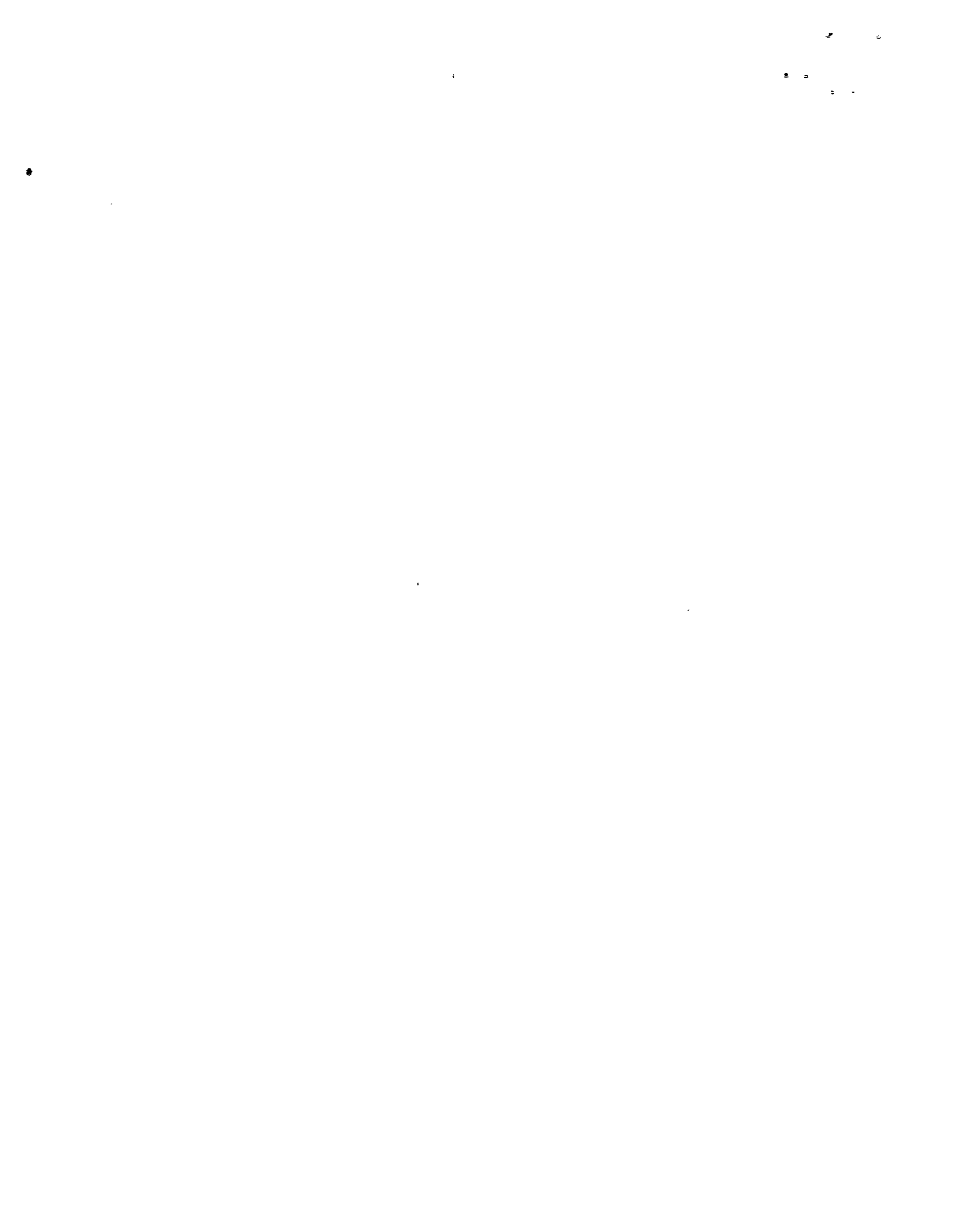
2 1. Page 4, line 1: after "and" insert an affidavit showing that the petitioning  
3 parent has made a reasonable attempt to provide notice to the nonpetitioning parent,  
4 but with reasonable diligence the nonpetitioning parent cannot be found or provided  
5 notice, and if

with

6

END

Ed Ansett





State of Wisconsin  
1997 - 1998 LEGISLATURE

LRBa1050/1  
GMM:kmg:ijs

*Insert 4-7*

**ASSEMBLY AMENDMENT 4,  
TO 1997 ASSEMBLY BILL 167**

~~November 6, 1997 - Offered by Representatives STASKUNAS and FORT.~~

*minor* ✓

1  
2  
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4  
5

~~At the locations indicated, amend the bill as follows:~~

*minor*

~~1. Page 4, line 6: delete lines 6 and 7 and substitute "abandoned the child, as described in s. 48.415 (1) (a) 3., (b) and (c) or failed to assume parental responsibility for the child, as described in s. 48.415 (6), the court shall require the consent of the"~~

~~(END)~~

*(Edof...)*

2  
3  
4  
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State of Wisconsin  
1997 - 1998 LEGISLATURE

LRBa0998/1  
GMM:kaf:hmh

Insert 4-24

~~ASSEMBLY AMENDMENT 3,  
TO 1997 ASSEMBLY BILL 167~~

November 5, 1997 - Offered by Representative STASKUNAS.

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5  
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7

At the locations indicated, amend the bill as follows:  
1. Page 3, line 24: after "of" insert "personal service, substituted service or"  
2. Page 4, line 24: after "(1)," insert "serve a copy of the notice and petition on

the nonpetitioning parent in the same manner as a summons is served under s.  
801.11 (1) (a) or (b) or, if with reasonable diligence the nonpetitioning parent cannot  
be served in that manner,

(END)

(end of insert)

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 11/30/98

**To:** Representative Foti

**Relating to LRB drafting number:** LRB-1029

**Topic**

Name change of a minor

**Subject(s)**

Children - miscellaneous

1. **JACKET** the draft for introduction \_\_\_\_\_

in the **Senate** \_\_\_\_ or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases appropriations or state or general local government fiscal liability or revenues, a fiscal estimate prior to introduction. If you choose to introduce the proposal, the fiscal estimate will be requested automatically upon introduction of the proposal. Requesting the fiscal estimate prior to introduction of the proposal.

If you have any questions relating to this form, please call 266-3561. If you have any questions relating to the proposal, please call 266-3561. If you have any questions relating to the proposal, please call 266-3561.

Gordon M. Malaise, Senior Legislative Attorney  
Telephone: (608) 266-9738

*Gordon -  
Please Jacket for  
introduction.  
Thanks  
Michael Heifetz  
(6-2401)  
Rep. Foti's office*