

2001 ASSEMBLY BILL 179

March 8, 2001 – Introduced by Representatives SCHNEIDER and RYBA, by request of Chris Kietrys. Referred to Committee on Family Law.

1 **AN ACT to create** 767.51 (3m) of the statutes; **relating to:** changing a child's
2 name in a paternity action.

Analysis by the Legislative Reference Bureau

Under current law, the name of a nonmarital child who has not been adopted and whose parents have not intermarried may be changed by a court if certain requirements are fulfilled. The child's mother may petition the court for the name change, but the father must join in the petition if his parental rights have not been terminated. Notice of the proposed name change and where and when the court will hear the petition must be published in an area newspaper once per week for three consecutive weeks before the petition is heard. This bill provides that a nonmarital child's name may be changed in a judgment or order determining paternity. The requirements under current law regarding filing a separate petition and publishing notice of the name change do not apply. If both parents in the paternity action request the same name change, the court is required to include that name change in the paternity judgment or order. If only one parent requests that the child's name be changed, or if each parent requests a different name change, the court may include in the paternity judgment or order an order changing the child's surname to a surname that is both parents' surnames separated by a hyphen or, if a parent has more than one surname, that is one of each of the parents' surnames separated by a hyphen, if the court finds that such a name change is in the child's best interest.

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

