

**2001 DRAFTING REQUEST**

**Bill**

Received: 11/13/2000

Received By: kahlepj

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: his office

This file may be shown to any legislator: NO

Drafter: kahlepj

May Contact:

Alt. Drafters:

Subject: Dom. Rel. - paternity  
Courts - miscellaneous

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Name changes in paternity actions

**Instructions:**

See Attached

**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>
/?	kahlepj 11/14/2000	jdye 11/15/2000		_____			
/P1			martykr 11/15/2000	_____	lrb_docadmin 11/15/2000		
/1	kahlepj 01/17/2001	jdye 01/17/2001	pgreensl 01/19/2001	_____	lrb_docadmin 01/19/2001	lrb_docadmin 01/25/2001	

FE Sent For:

<END>

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FE Sent For:			1/19 PG	<END>			

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1/?	kahlepj	1/15 jld	1/15 km	1/15 pg	1/15 km		

FE Sent For:

<END>

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

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

3 **SECTION 1.** 767.51 (3d) of the statutes is created to read:

4 767.51 (3d) Notwithstanding s. 786.36, a judgment or order determining paternity may  
5 include an order to change the name of the child upon the request of one or both of the parents.  
6 If both parents request the same name change, the court shall order the child's name be  
7 changed to the name agreed upon by both parents. If the one parent requests a name change  
8 or if each parent requests a different name change for the child, the court shall order that the  
9 child's surname be changed to a surname that is each of the parents' surnames separated by  
10 a hyphen or one of each of the parents' surnames separated by a hyphen if the court finds that  
11 such a name change is in the best interest of the child.

12 (END)



LRB-0981/7  
PJK.....  
JLD  
A

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Draft

parent

1 AN ACT <sup>parent</sup>; relating to: changing a child's 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 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.

of the name change

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

1                    X  
SECTION 1. 767.51 (3m) of the statutes is created to read:

2                    767.51 (3m) (a) Upon the request of both parents, the court shall include in the  
3 judgment or order determining paternity an order changing the name of the child to  
4 a name agreed upon by the parents.

5                    (b) Except as provided in par. (a), the court may include in the judgment or order  
6 determining paternity an order changing the surname of the child to a surname that  
7 consists of the surnames of both parents separated by a hyphen or, if one or both  
8 parents have more than one surname, of one of the surnames of each parent  
9 separated by a hyphen, if all of the following apply:

10                    1. Only one parent requests that the child's name be changed, or both parents  
11 request that the child's name be changed but each parent requests a different name  
12 change.

13                    2. The court finds that such a name change is in the child's best interest.

14                    (c) Section 786.36 does not apply to a name change under this subsection. ✓

15                    (END)

D - note

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-09817dn

PJK.....

Jld

The model draft sometimes referred to "name" and at other times referred to "surname") I kept the use of these terms consistent with the model draft. Notice, however, that this usage authorizes a court to change a child's surname to a hyphenated version of the two parents' surnames if only one parent has requested a name change, even if that request was to change the child's first name only. Is this your intention?

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.state.wi.us](mailto:pam.kahler@legis.state.wi.us)



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0981/P1dn  
PJK;jld:km

November 15, 2000

The model draft sometimes referred to "name" and at other times referred to "surname." I kept the use of these terms consistent with the model draft. Notice, however, that this usage authorizes a court to change a child's surname to a hyphenated version of the two parents' surnames if only one parent has requested a name change, even if that request was to change the child's first name only. Is this your intention?

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.state.wi.us](mailto:pam.kahler@legis.state.wi.us)



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0981/1

PJK:jld:km

r m is run

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

no change

Regen

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

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***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:***





STEPHEN R. MILLER  
CHIEF

# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

January 19, 2001

### MEMORANDUM

To: Representative Schneider

From: Pamela J. Kahler, Senior Legislative Attorney

Re: LRB-0981 Name changes in paternity actions

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-2682 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.