

 **01hr_AC-CF_ab222_pt01**



(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2001-02

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Children and Families (AC-CF)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (May 2012)

Ayes: (7) Representatives Kestell, Lippert, Bies, Grothman, Jeskewitz,
Miller and Sinicki.
Noes: (0) None.
Absent: (1) Representative Coggs.

PASSAGE RECOMMENDED, Ayes 7, Noes 0, Absent 1 (Had Representative Coggs
been present, his vote would have been Aye)

Dave Matzen
Committee Clerk

Vote Record

Assembly - Committee on Children and Families

Date: 4-25-01

Bill Number: AB 222

Moved by: Rep. Grothman

Seconded by: Rep. Jeskewitz

Motion: passage

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Steve Kestell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. MaryAnn Lippert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Garey Bies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Suzanne Jeskewitz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Christine Sinicki	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>7</u>	<u>0</u>	<u>1</u>	<u> </u>

would have been

Motion Carried

Motion Failed

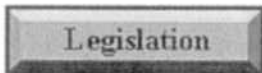
History of Assembly Bill 222

ASSEMBLY BILL 222

An Act to renumber and amend 786.37; to amend 786.36 (1) (intro.), 786.36 (1) (b) and 786.36 (1) (c); and to create 786.36 (1m) and 786.37 (2) of the statutes; relating to: changing the name of a minor.
2001

- 03-20. A. Introduced by Representatives Foti, J. Lehman, McCormick, J. Fitzgerald, Huebsch, Hundertmark, Krawczyk, Kreuser, D. Meyer, Montgomery, Owens, Pettis, Stone, Sykora, Townsend, Wade and La Fave; cosponsored by Senators Wirch, Darling, Roessler, Rosenzweig and Schultz.
- 03-20. A. Read first time and referred to committee on Children and Families 155
- 04-12. A. Public hearing held.

Search for another history



[Back to Legislation Page](#)



[Back to Legislature Home Page](#)



REPRESENTATIVE
S T E V E

FOTI

ASSEMBLY
MAJORITY LEADER

AB 222

Changing the Name of a Minor

Testimony before the Assembly Committee on Children and Families
April 12, 2001

Chairperson Kestell and members of the committee, thank you for the opportunity to testify this morning on this proposal.

This bill allows a single parent to change the name of a minor under the age of 14 with greater ease than under current law. Currently, both parents must petition for a name change unless the rights of one parent have been legally terminated. A judge has no discretion in ordering the name change unless both parents file the petition, even if one parent has clearly abandoned the child.

This legislation was prompted by a case I observed while shadowing Judge Patrick Snyder of Waukesha County Circuit Court for a day during the summer of 1997. A woman appeared before him asking permission to change her child's last name. Although she did not know the whereabouts of the father and had no contact with him for a considerable length of time, current law did not allow Judge Snyder to grant the name change.

According to Judge Snyder, this situation arises frequently. In the situation described, the first step towards changing the child's last name is initiating a Termination of Parental Rights proceeding (TPR). However, because this is often a costly and time-consuming process, many parents are discouraged from pursuing this option.

I believe it is appropriate to allow a single parent to change the child's name if the other parent has effectively abandoned the child and cannot be found. Therefore, I am proposing this legislation to do the following:

- Allow a single parent to petition for a name change if he or she shows proof that an attempt has been made by mail and by published notice to inform the absent parent of the petition.
- Require the parent petitioning for the name change to provide an affidavit showing that a reasonable attempt was made to locate the absent parent.
- Provide for judicial discretion to grant the name change if the absent parent does not appear to answer the petition.

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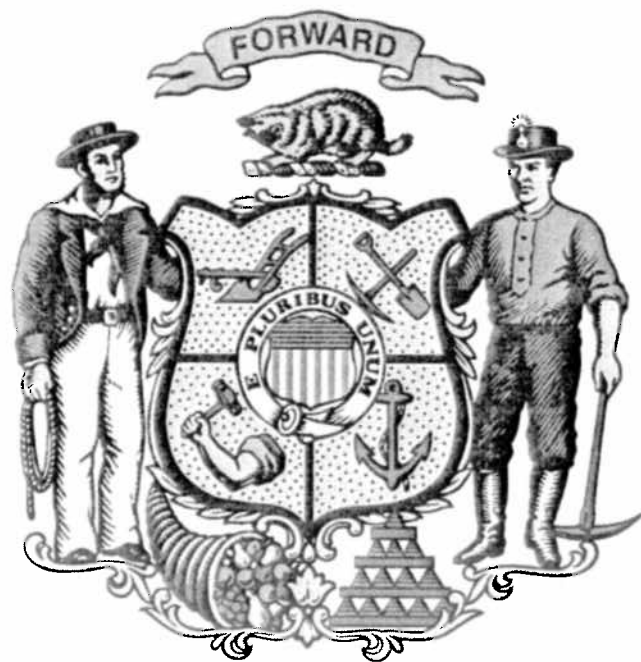
HOME:
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(262) 567-5324

- If the absent parent appears at the hearing or otherwise answers the petition, the court shall not grant the name change unless the responding parent agrees.

With these safeguards, the bill allows a single parent to petition for a name change while providing the absent parent the opportunity to participate in this decision if he or she so desires. Therefore, the rights of both parents are preserved.

Last session, this same legislation (1999 AB 62) passed this committee on a unanimous vote of 10-0 before passing the Assembly on a vote of 92-5. However, the session ended before action in the Senate. This legislation has strong bipartisan support, as well as the endorsement of judges. I urge your support of this legislation.

Thank you.



Assembly Republican Majority Bill Summary

AB 222: Changing the name of a minor

Relating to: changing the name of a minor under 14 years of age that has two living parents.

By Representatives Foti, J. Lehman, McCormick, J. Fitzgerald, Huebsch, Hundertmark, Krawczyk, Kreuser, D. Meyer, Montgomery, Owens, Pettis, Stone, Sykora, Townsend, Wade and La Fave; cosponsored by Senators Wirch, Darling, Roessler, Rosenzweig and Schultz.

Date: May 3, 2001

BACKGROUND

Under current law, for a resident to change his or her name, they must petition the circuit court for an order to change their name. If the person whose name is to be changed is a minor under 14 years old, both parents must file the petition. Before applying to the court for a name change, the petitioner must publish a legal notice of the application once a week (for 3 weeks) in a newspaper to give notice to persons affected by the name change.

SUMMARY OF AB 222

Assembly Bill 222 permits one parent to petition for a name change of a minor if, in addition to filing proof of publication of the notice as required by current law, they also file proof that they served a copy of the notice and petition to the nonpetitioning parent. If the nonpetitioning parent cannot be served, a copy of the notice and petition must be mailed to their last-known address. If the nonpetitioning parent cannot be found or provided with the notice, the petitioning parent must file an affidavit showing that they made a reasonable attempt to provide notice. The court may order the name change if the nonpetitioning parent does not appear at the hearing or answer the petition. If the nonpetitioning parent appears and shows that they have not abandoned or failed to assume responsibility for the minor, the court may order the name change only if the nonpetitioning parent consents.

FISCAL EFFECT

A fiscal report was not required for AB 222. ✓

PROS

1. ~~AB 222~~ allows a single parent to change the child's name if the other parent has effectively abandoned the child or cannot be located.
2. Allows a single parent to petition for a name change while providing the absent parent the opportunity to participate in the decision if he or she desires.
3. Provides judicial discretion to grant the name change if the absent parent does not answer the petition or appear at the hearing.

CONS

1. To what extent would the petitioning parent follow through with "reasonable diligence" to notify the nonpetitioning parent.

SUPPORTERS

Representative Foti-author, Senator Wirch-Senate lead co-author, J. Denis Moran-Director of State Courts.

OPPOSITION

No one testified or registered against this bill.

HISTORY

Assembly Bill 222 was introduced on March 20, 2001, and referred to the Assembly Committee on Children and Families. A public hearing was held on April 12, 2001. An executive session was held on April 25, 2001 and the Committee voted 7-0-1 to recommend passage of AB 222 [(Rep. Kestell, Lippert, Bies, Grothman, Jeskewitz, Miller and Sinicki voting yes; Rep. Coggs was absent)]

CONTACT: Dave Matzen, Representative Kestell's office