

SENATE BILL 123

SECTION 243

1 City, State Zip Code File No. ...

2 , Petitioner

3 vs.

SUMMONS

4 E. F.

5 Address (Case Classification Type):.... (Code No.)

6 City, State Zip Code

7 , Respondent

8 THE STATE OF WISCONSIN, To the Respondent:

10 1. You have been sued. The petitioner claims that he may be the father of
11 the child, born on (date), in (city) (county) (state). You must appear to answer
12 this claim of paternity. Your court appearance is:

13 Date:

14 Time:

15 Room:

16 Judge or Circuit Court Commissioner:

17 Address:

18 2. If you do not appear, the court will enter a default judgment finding the
19 petitioner to be the father. If you plan to be represented by an attorney, you should
20 contact the attorney prior to the court appearance listed above.

21 3. The County Clerk of Circuit Court is an equal opportunity service
22 provider. If you need assistance to access services in the court or need material in
23 an alternate format, please call

24 Dated:, (year)

25 Signed:.....

SENATE BILL 123

1 G. H., Clerk of Circuit Court

2 or

3 Petitioner's Attorney

4 State Bar No.:

5 Address:

6 City, State Zip Code:

7 Phone No.:

8 (c) *Nonparent as petitioner.*

9 STATE OF WISCONSIN, CIRCUIT COURT:COUNTY

10 In re the Paternity of A. B.

11 C. D. (Nonparent-Petitioner)

12 Address

13 City, State Zip Code File No. ...

14 , Petitioner

15 vs. SUMMONS

16 E. F.

17 Address (Case Classification Type):.... (Code No.)

18 City, State Zip Code

19 , Respondent

20 THE STATE OF WISCONSIN, To the Respondent

21 1. You have been sued. The petitioner claims that is the mother and
22 may be the father of the child, born on (date), in (city) (county) (state). You
23 must appear to answer this claim of paternity. Your court appearance is:
24

25 Date:

SENATE BILL 123

SECTION 243

1 Time:

2 Room:

3 Judge or Circuit Court Commissioner:

4 Address:

5 2. If you do not appear, the court may enter a default judgment finding to
6 be the father. If you plan to be represented by an attorney, you should contact the
7 attorney prior to the court appearance listed above. If you are alleged to be the father
8 and you are unable to afford an attorney, the court will appoint one for you only upon
9 genetic tests showing that you are not excluded as the father and the probability of
10 your being the father is less than 99.0 percent.

11 3. The County Clerk of Circuit Court is an equal opportunity service
12 provider. If you need assistance to access services in the court or need material in
13 an alternate format, please call

14 Dated:, (year)

15 Signed:....

16 G. H., Clerk of Circuit Court

17 or

18 Petitioner’s Attorney

19 State Bar No.:

20 Address:

21 City, State Zip Code:

22 Phone No.:

NOTE: Creates statutory summons forms for father and nonparent petitioners in paternity actions. These forms are in addition to the current “mother as petitioner” form in s. 767.455 (5), stats. [renumbered s. 767.813 (5) in this bill].

23 **SECTION 244.** 767.813 (5g) of the statutes is created to read:

SENATE BILL 123

1 767.813 (5g) NOTICE. The notice to parties shall be attached to the summons.
2 The notice shall be in boldface type and in substantially the following form:

NOTICE TO PARTIES

3
4 1. You are a party to a petition for paternity. A judgment of paternity legally
5 designates the child in the case to be a child of the man found to be the father. It
6 creates a legally recognized parent–child relationship between the man and the
7 child. It creates the right of inheritance for the child, and obligates the man to
8 support the child until the child reaches the age of 18, or the age of 19 if the child is
9 enrolled full–time in high school or its equivalent. The failure by either parent to pay
10 court–ordered support is punishable by imprisonment as a contempt of court or as
11 a criminal violation.

12 2. A party to a paternity case has the right to be represented by an attorney.
13 If you are unable to afford an attorney and you are a man who is named as the
14 possible father of a child in a paternity case, the court will appoint an attorney for
15 you only if the results of one or more genetic tests show that you are not excluded as
16 the father and that the statistical probability of your being the father is less than 99.0
17 percent. In order to determine whether you are entitled to have an attorney
18 appointed for you, you may call the following telephone number

19 3. The petitioner in this case has the burden of proving by a clear and
20 satisfactory preponderance of the evidence whether the man named as the possible
21 father is the father. However, if genetic tests show that the man named is not
22 excluded as the father, and show that the statistical probability that the man is the
23 father is 99.0 percent or higher, that man is rebuttably presumed to be the father.

24 4. You may request genetic tests which will indicate the probability that the
25 man named as the possible father is or is not the father of the child. The court will

SENATE BILL 123**SECTION 244**

1 order genetic tests on a request by you, the state, or any other party. Any person who
2 refuses to take court-ordered genetic tests may be punished for contempt of court.

3 5. The following defenses are available in a paternity case:

4 (a) The man named as a possible father of the child may claim that he was
5 sterile or impotent at the time of conception.

6 (b) The mother may claim that she, or the man named as a possible father may
7 claim that he, did not have sexual intercourse with the other party during the
8 conceptive period (generally the period 8 to 10 months before the birth of the child).

9 (c) The mother or the man named as a possible father may claim that another
10 man had sexual intercourse with the mother during the conceptive period.

11 6. You have the right to request a jury trial on the issue of whether the named
12 man is the father.

13 7. If you fail to appear at any stage of the proceeding, including a scheduled
14 court-ordered genetic test, the court may enter a default judgment finding the man
15 claimed to be the father as the father.

16 8. You must keep the clerk of court and child support agency informed of your
17 current address at all times.

NOTE: Replaces the current statutory form for “Notice to Respondent” in a paternity action with a general “Notice to Parties” statutory form. In addition to making the notice form a general form for all parties, this SECTION revises the form to:

1. Replace the current phrase indicating that a judgment of paternity “grants parental rights to that man” with a statement that the judgment “creates a legally recognized parent-child relationship between the man and the child”.

2. Revise the phrase “failure to pay child support” in item 1 in the Notice to read “failure by either parent to pay court-ordered support”.

3. Clarify that the right to request a jury trial in item 6 in the Notice refers to a jury trial “on the issue of whether the named man is the father”.

4. Revise item 7 in the Notice to delete statements relating to the effective date of a default judgment (under the bill, a default judgment takes effect immediately) and waiver of first appearance (waiver of first appearance provisions are repealed in the bill).

5. Specify that the party must keep the child support agency, as well as the clerk of court (current law), informed of current address.

18 **SECTION 245.** 767.814 of the statutes is created to read:

SENATE BILL 123

1 **767.814 Names on pleadings after paternity determined.** After paternity
2 is determined by the court in an action or proceeding under this subchapter, any
3 papers filed in, and any records of, the court relating to the action or proceeding may
4 identify the parties by name instead of by initials.

NOTE: Permits the use of names rather than initials on pleadings and other court findings and court records once paternity is determined. Based on a recommendation of the paternity reform committee.

5 **SECTION 246.** 767.815 (1) (title) and (2) (title) of the statutes are created to read:

6 767.815 (1) (title) GOOD CAUSE.

7 (2) (title) REASONABLE GROUNDS; DUE DILIGENCE.

8 **SECTION 247.** 767.82 (1) (title), (2) (title), (3) (title), (4) (title), (5) (title), (6)

9 (title), (7) (title) and (8) (title) of the statutes are created to read:

10 767.82 (1) (title) APPOINTMENT OF GUARDIAN AD LITEM.

11 (2) (title) PRESUMPTION.

12 (3) (title) TIME OF CONCEPTION; EVIDENCE.

13 (4) (title) DISCOVERY.

14 (5) (title) STATUTE OF LIMITATIONS.

15 (6) (title) ARREST.

16 (7) (title) APPOINTMENT OF TRUSTEE OR GUARDIAN.

17 (8) (title) PROCEDURES APPLICABLE TO OTHER MATTERS IN ACTION.

18 **SECTION 248.** 767.83 (2) (title) of the statutes is created to read:

19 767.83 (2) (title) EXTENT OF APPOINTED ATTORNEY'S REPRESENTATION.

20 **SECTION 249.** 767.84 (1) (title) of the statutes is created to read:

21 767.84 (1) (title) WHEN TEST ORDERED; REPORT.

22 ~~SECTION 250. 767.84 (1) (a) 2. of the statutes is created to read:~~

SENATE BILL 123

SECTION 250

A - 3

~~767.84 (1) (a) 2. The requirement for tests under subd. 1. does not apply to default judgments under s. 767.893 or voluntary acknowledgements of paternity under s. 767.805 or where the respondent is deceased and genetic material may not be obtained without undue hardship under s. 767.865 (2).~~

SECTION 251. 767.84 (1m) (title), (2) (title), (3) (title), (5) (title), (6) (title) and (7) (title) of the statutes are created to read:

767.84 (1m) (title) REBUTTABLE PRESUMPTION.

(2) (title) INDEPENDENT TESTS.

(3) (title) NUMBER AND QUALIFICATIONS OF EXPERTS.

(5) (title) FEES AND COSTS.

(6) (title) CALLING CERTAIN WITNESSES; NOTICE.

(7) (title) NOTICE OF RIGHT TO TESTS.

SECTION 252. 767.85 (1) (title) of the statutes is created to read:

767.85 (1) (title) WHEN REQUIRED.

SECTION 253. 767.853 (1) (title) and (2) (title) of the statutes are created to read:

767.853 (1) (title) PENDING PROCEEDING.

(2) (title) INFORMATION TO DEPARTMENT.

SECTION 254. 767.863 (3) (title) of the statutes is created to read:

767.863 (3) (title) ORDERS IF STATEMENT ON FILE.

SECTION 255. 767.865 (1) (title) of the statutes is created to read:

767.865 (1) (title) WHO MAY APPEAR.

SECTION 256. 767.865 (1) (b) of the statutes is created to read:

767.865 (1) (b) If the court determines that it is appropriate, the court may appoint a guardian ad litem for the deceased respondent for purposes of par. (a). Section 767.407 (3) and (5) applies to the guardian ad litem.

SENATE BILL 123

1 shall represent the interests of the deceased respondent. The guardian ad litem shall
2 be compensated at a rate that the court determines is reasonable. The court shall
3 order the compensation to be paid from the deceased respondent's estate. If the
4 moneys in the estate are not sufficient to pay all or part of the compensation, the
5 court may direct that the county of venue pay the compensation. If the court orders
6 a county to pay the compensation of the guardian ad litem, the amount ordered may
7 not exceed the compensation paid to private attorneys under s. 977.08 (4m) (b).

NOTE: See the note to SEC. 257 of this bill.

8 **SECTION 257.** 767.865 (2) of the statutes is created to read:

9 767.865 (2) GENETIC TESTS. If genetic material is available, without undue
10 hardship, from a deceased respondent or a relative of the deceased respondent in an
11 action for paternity, genetic tests shall be administered in accordance with s. 767.84.
12 There is a rebuttable presumption that exhumation of the deceased respondent's
13 body to obtain the genetic material for testing is an undue hardship under this
14 subsection.

NOTE: SECTIONS 256 and 257 of this bill are based on a recommendation of the
paternity reform committee.

1. SECTION 256 permits the appointment of a guardian ad litem to represent a
deceased respondent when there is no personal representative and requires the guardian
ad litem to receive service of the summons and petition. The reform committee's
recommendation to appoint a guardian ad litem for "a deceased respondent who is the
alleged father" is expanded to include any deceased respondent. See, also, SEC. 200 of this
bill.

2. SECTION 257 requires genetic tests if genetic material is available, without
undue hardship, from the deceased or his relatives. Exhumation is rebuttably presumed
an undue hardship.

15 **SECTION 258.** 767.87 (1) (title), (1m) (title), (2) (title), (2m) (title), (4) (title), (5)
16 (title), (6) (title), (7) (title), (8) (title), (9) (title), (10) (title) and (11) (title) of the
17 statutes are created to read:

18 767.87 (1) (title) GENERALLY.

19 (1m) (title) BIRTH RECORD REQUIRED.

SENATE BILL 123**SECTION 258**

- 1 **(2)** (title) ADMISSIBILITY OF SEXUAL RELATIONS BY MOTHER.
- 2 **(2m)** (title) ADMISSIBILITY OF CERTAIN MEDICAL AND GENETIC INFORMATION.
- 3 **(4)** (title) IMMUNITY.
- 4 **(5)** (title) REFUSAL TO TESTIFY OR PRODUCE EVIDENCE.
- 5 **(6)** (title) WHEN MOTHER NOT COMPELLED TO TESTIFY.
- 6 **(7)** (title) CERTAIN TESTIMONY OF PHYSICIAN NOT PRIVILEGED.
- 7 **(8)** (title) BURDEN OF PROOF.
- 8 **(9)** (title) ARTIFICIAL INSEMINATION; NATURAL FATHER.
- 9 **(10)** (title) RECORD OF MOTHER'S TESTIMONY ADMISSIBLE.
- 10 **(11)** (title) RELATED COSTS ADMISSIBLE.

11 **SECTION 259.** 767.88 (2) (title), (3) (title), (4) (title), (5) (title) and (6) (title) of
12 the statutes are created to read:

- 13 767.88 **(2)** (title) COURT EVALUATION AND RECOMMENDATION.
- 14 **(3)** (title) ACCEPTANCE OF RECOMMENDATION; JUDGMENT.
- 15 **(4)** (title) RECOMMENDATION REFUSED AND NO TESTS TAKEN.
- 16 **(5)** (title) FINAL RECOMMENDATION NOT ACCEPTED; TRIAL.
- 17 **(6)** (title) TERMINATION OF INFORMAL HEARING.

18 **SECTION 260.** 767.883 (2) (title) of the statutes is created to read:

- 19 767.883 **(2)** (title) JURY SIZE; VERDICT.

20 **SECTION 261.** 767.89 (1) (title), (3) (title), (3m) (title), (4) (title) and (7) (title)
21 of the statutes are created to read:

- 22 767.89 **(1)** (title) EFFECT OF JUDGMENT OR ORDER.
- 23 **(3)** (title) CONTENT OF JUDGMENT OR ORDER.
- 24 **(3m)** (title) CHANGE OF CHILD'S NAME.
- 25 **(4)** (title) LIABILITY FOR PAST SUPPORT.

SENATE BILL 123

1 **(7)** (title) PREPARATION OF FINAL PAPERS.

2 **SECTION 262.** 767.893 (2) (b) 2. of the statutes is created to read:

3 767.893 **(2)** (b) 2. The alleged father who fails to appear has had genetic tests
4 under s. 49.225 or 767.84 showing that the alleged father is not excluded and that
5 the statistical probability of the alleged father's parentage is 99.0 percent or higher.

NOTE: Authorizes the court to enter a default judgment when an alleged father has a genetic test result of 99% or higher, even though there may be another untested alleged father. Based on a recommendation of the paternity reform committee.

6 **SECTION 263.** 808.075 (4) (d) 13. of the statutes is amended to read:

7 808.075 **(4)** (d) 13. Determination of ~~arrearages under s. 767.293~~ charges and
8 issuance of repayment orders under s. 767.71.

9 **SECTION 264.** 814.615 (1) (a) (intro.) and (2) of the statutes are amended to read:

10 814.615 **(1)** (a) (intro.) Except as provided under sub. (2), for family court
11 counseling services provided under s. ~~767.11~~ 767.405 a county shall collect the
12 following fees:

13 **(2)** In lieu of the fee under sub. (1) (a) 2. or 3., a county may establish a fee
14 schedule to recover its reasonable costs of providing family court counseling services
15 under s. ~~767.11~~ 767.405. A fee schedule established under this subsection may apply
16 in lieu of the fee under sub. (1) (a) 2. or 3. or both, and shall require no fee for the first
17 mediation session conducted upon referral under s. ~~767.11~~ 767.405 (5); provide for
18 payment for any other services based on the parties' ability to pay; and take into
19 account the fees the county collects under s. 814.61 (1) (b) and (7) (b). Fees shall be
20 based on services actually provided. The county may not collect a single fee
21 applicable without regard to the number of sessions or services provided. Subject to
22 sub. (3), the county shall provide family court counseling services to the parties even
23 if both parties are unable to pay.

SENATE BILL 123**SECTION 265**

1 **SECTION 265. Cross-reference changes.** In the sections of the statutes
 2 listed in Column A, the cross-references shown in Column B are changed to the
 3 cross-references shown in column C:

A Statute Sections	B Old Cross-Reference	C New Cross-Reference
20.445 (3) (ja)	767.29 (1) (dm) 1m.	767.57 (1e) (b) 1m.
20.445 (3) (ja) and (kp)	767.29 (1) (d)	767.57 (1e) (a)
20.445 (3) (q) and (r)	767.265 and 767.29	767.57 and 767.75
20.445 (3) (r)	767.02 (1)	767.001 (1)
20.921 (2) (a)	767.23 (1) (L), 767.25 (4m) (c), or 767.265	767.225 (1) (L), 767.513 (3), or 767.75
25.68 (2)	767.265 and 767.29	767.57 and 767.75
25.68 (3)	767.02 (1)	767.001 (1)
40.08 (1c)	767.265	767.75
40.08 (1m) (k) 1.	767.32 (1) (a)	767.59 (1c) (b)
40.08 (1m) (k) 1.	767.255	767.61
46.03 (3)	767.475 (7)	767.82 (7)
48.02 (13)	767.60	767.803
48.02 (13)	767.62 (1)	767.805
48.025 (1)	767.60	767.803
48.235 (4) (a) 7m. and (4m) (a) 7m.	767.45	767.80
48.27 (3) (b) 1. (intro.)	767.60	767.803

SENATE BILL 123

1	48.299 (6) (a) and (c),	767.45	767.80
2	and (7)		
3	48.299 (6) (c)	767.475 (7m)	767.82 (7m)
4	48.299 (6) (d) and (8)	ss. 767.45 to 767.60	subch. IX of ch. 767
5	48.396 (2) (dm)	ss. 767.45 to 767.60	subch. IX of ch. 767
6	48.42 (2) (b) (intro.) and	767.60	767.803
7	(4) (b) 2.		
8	48.42 (4) (b) 2.	767.62 (1)	767.805
9	48.422 (6) (a)	767.60	767.803
10	48.432 (1) (am) 2. b.	767.60	767.803
11	48.837 (4) (e)	767.62 (1)	767.805
12	48.91 (2)	767.60	767.803
13	48.91 (2)	767.62 (1)	767.805
14	48.981 (2) (a) 17.	767.11	767.405
15	48.981 (7) (b)	767.24 or 767.325	767.41 or 767.451
16	49.141 (1) (j) 4.	767.60	767.803
17	49.19 (4) (d) 6.	767.23	767.225
18	49.19 (4) (d) 7.	767.08	767.501
19	49.225 (2) (b)	767.45	767.80
20	49.299 (6) (b)	767.45 (5) (c) and (6r)	767.80 (5) (c) and (6r)
21	49.36 (3) (a)	767.295 (2) (a)	767.55 (2) (am)
22	49.79 (2) (a) 2.	767.45	767.80

SENATE BILL 123**SECTION 265**

1	49.855 (1)	767.29 (1) (d)	767.57 (1e) (a)
2	49.90 (2r)	767.02 (1) (f) or (j) or	767.001 (1) (f) or (j) or
3		767.08	767.501
4	49.90 (2r)	767.45 (1)	767.80 (1)
5	49.90 (10)	767.25	767.511
6	49.90 (11)	ss. 767.45 to 767.60	subch. IX of ch. 767
7	51.30 (5) (bm)	767.24 (4) (b) or 767.325	767.41 (4) (b) or 767.451
8		(4)	(4)
9	55.07 (2)	767.24 (4) (b) or 767.325	767.41 (4) (b) or 767.451
10		(4)	(4)
11	59.53 (5) (b)	767.29 (1)	767.57 (1)
12	59.53 (6) (b)	767.075, 767.08, and	767.205 (2), 767.501, and
13		767.45	767.80
14	62.63 (4)	767.265	767.75
15	66.0137 (4)	767.25 (4m) (d)	767.513 (4)
16	69.15 (3) (b) 2.	767.60	767.803
17	102.27 (2) (a)	767.23 (1) (L), 767.25	767.225 (1) (L), 767.513
18		(4m) (c), 767.265 (1), or	(3), 767.75 (1), or (2m)
19		(2m)	
20	115.76 (12) (a) 4.	ss. 767.45 to 767.51	subch. IX of ch. 767
21	118.125 (2) (m)	767.24 (4)	767.41 (4)
22	120.13 (2) (g)	767.25 (4m) (d)	767.513 (4)

SENATE BILL 123

1	146.34 (1) (f)	767.60	767.803
2	146.835	767.24 (4) (b) or 767.325	767.41 (4) (b) or 767.451
3		(4)	(4)
4	215.26 (8) (dm)	767.267 (5)	767.76 (5)
5	343.10 (1) (a) and (5) (b)	767.303	767.73
6	343.30 (5)	767.303	767.73
7	565.30 (5m) (a)	767.265	767.75
8	565.30 (5m) (a)	767.02 (1) (f) or (g),	767.001 (1) (f) or (g),
9		767.10, 767.23, 767.25,	767.225, 767.34,
10		767.26, 767.261,	767.511, 767.531,
11		767.458 (3), 767.465	767.56, 767.805 (4),
12		(2m), 767.477, 767.51	767.85, 767.863 (3),
13		(3), 767.62 (4)	767.89 (3), 767.893
14			(2m)
15	632.897 (10) (a) 3.	767.25 (4m)	767.513
16	757.48 (1) (a)	767.045	767.407
17	758.19 (5) (a) 2.	767.045 (6)	767.407 (6)
18	765.02 (2)	767.23 (1) or 767.24	767.225 (1) or 767.41
19	765.15	767.11	767.405
20	765.23	767.60	767.803
21	766.58 (3) (f)	767.266 (1)	767.375 (1)
22	766.587 (5)	767.255	767.61

SENATE BILL 123**SECTION 265**

1	766.587 (5)	767.26	767.56
2	766.588 (6) (b)	767.255	767.61
3	766.588 (6) (c)	767.26	767.56
4	766.589 (6) (b)	767.255	767.61
5	766.589 (6) (c)	767.26	767.56
6	766.70 (4) (a) 3.	767.255 and 767.26	767.56 and 767.61
7	766.73	767.255	767.61
8	769.302	767.045 (1)	767.407 (1)
9	769.302	767.475 (1)	767.82 (1)
10	769.605 (3)	767.265 (2r)	767.75 (2r)
11	778.30 (1) (d)	767.265 (4)	767.75 (4)
12	785.01 (1) (bm)	767.087 (1)	767.117 (1)
13	786.36 (1) (c)	767.60	767.803
14	801.07 (5)	767.02 (1) (a) to (d)	767.001 (1) (a) to (d)
15	801.07 (5)	767.05 (1m)	767.301
16	802.12 (3) (c) 1.	767.255	767.61
17	802.12 (3) (c) 2.	767.26	767.56
18	802.12 (3) (c) 3.	767.262	767.241
19	802.12 (3) (c) 4.	767.32	767.59
20	802.12 (3) (d) 1.	767.24, 767.458 (3),	767.41, 767.805 (4),
21		767.51 (3), or 767.62 (4)	767.863 (3), or 767.89
22			(3)

SENATE BILL 123

1	802.12 (3) (d) 2.	767.245	767.43
2	802.12 (3) (d) 3.	767.25, 767.458 (3),	767.511, 767.805 (4),
3		767.51, or 767.62 (4)	767.863 (3), or 767.89
4			(3)
5	802.12 (3) (d) 4.	767.32 or 767.325	767.451 or 767.59
6	802.12 (3) (e) 3.	767.045, 767.11, and	767.405, 767.407, and
7		767.24	767.41
8	802.12 (3) (e) 4.	767.045, 767.11, and	767.405, 767.407, and
9		767.245	767.43
10	802.12 (3) (e) 5.	767.25 or 767.51	767.511 or 767.89
11	803.01 (3) (b) 2.	767.045 (1) (c)	767.407 (1) (c)
12	808.075 (4) (d) 1.	767.24, 767.325,	767.41, 767.451,
13		767.327, or 767.329	767.461, or 767.481
14	808.075 (4) (d) 2.	767.245	767.43
15	808.075 (4) (d) 3.	767.33	767.553
16	808.075 (4) (d) 4.	767.32 or 767.51	767.59 or 767.89
17	808.075 (4) (d) 5.	767.39	767.273
18	808.075 (4) (d) 7.	767.37 (2)	767.35 (6)
19	808.075 (4) (d) 8.	767.38	767.35 (7)
20	808.075 (4) (d) 9.	767.30, 767.51, or 767.62	767.77, 767.805 (4), or
21		(4)	767.89

SENATE BILL 123**SECTION 265**

1	808.075 (4) (d) 10.	767.305, 767.51, or	767.78, 767.805 (4), or
2		767.62 (4)	767.89
3	808.075 (4) (d) 11.	767.25 (4m) or 767.265	767.513 or 767.75
4	808.075 (4) (d) 12.	767.267	767.76
5	812.39 (2)	767.265	767.75
6	813.06	767.23	767.225
7	813.12 (2) (b)	767.23 or 767.24	767.225 or 767.41
8	813.122 (5) (e) and (6) (a)	767.25	767.511
9	4.		
10	814.04 (intro.)	767.33 (4) (d)	767.553 (4) (d)
11	814.61 (1) (b)	767.02	767.001 (1)
12	814.61 (1) (b)	767.11	767.405
13	814.61 (1) (c) 1.	767.45 (1) (g) or (h)	767.80 (1) (g) or (h)
14	814.61 (1) (c) 1.	767.045 (1) (c)	767.407 (1) (c)
15	814.61 (7) (a)	767.32 (1)	767.59 (1c) (a)
16	814.61 (7) (b)	767.325 or 767.327	767.451 or 767.481
17	814.61 (7) (b)	767.11	767.405
18	814.61 (7) (c)	767.045 (1) (c)	767.407 (1) (c)
19	814.61 (7) (c)	767.045 (1) (c) 1. or 2.	767.407 (1) (c) 1. or 2.
20	814.61 (7) (c)	767.45 (1) (g)	767.80 (1) (g)
21	814.615 (1) (a) 1.	767.11 (5)	767.405 (5)
22	814.615 (1) (a) 3.	767.11 (14)	767.405 (14)

SENATE BILL 123

1	814.615 (4)	767.11	767.405
2	852.05 (2)	767.62 (1)	767.805
3	852.05 (3)	767.60	767.803
4	854.15 (6)	767.266 (1)	767.375 (1)
5	885.23	767.48	767.84
6	895.035 (1) (a)	767.10	767.34
7	895.035 (1) (a)	767.23 or 767.24	767.225 or 767.41
8	895.73 (2)	767.24	767.41
9	904.085 (2) (a)	767.11	767.405
10	904.085 (4) (b)	767.11 (14) (c)	767.405 (14) (c)
11	905.04 (4) (g)	ss. 767.45 to 767.53	subch. IX of ch. 767
12	938.02 (13)	767.60	767.803
13	938.02 (13)	767.62 (1)	767.805
14	938.235 (4) (a) 7m.	767.45	767.80
15	938.27 (3) (b) 1. (intro.)	767.60	767.803
16	938.299 (6) (a) and (c)	767.45	767.80
17	and (7)		
18	938.299 (6) (b)	767.45 (5) (c) and (6r)	767.80 (5) (c) and (6r)
19	938.299 (6) (c)	767.475 (7m)	767.82 (7m)
20	938.299 (6) (d) and (8)	ss. 767.45 to 767.60	subch. IX of ch. 767
21	938.396 (2) (g)	ss. 767.45 to 767.60	subch. IX of ch. 767
22	948.22 (7) (b) 2.	767.25 or 767.51	767.511 or 767.89

SENATE BILL 123**SECTION 265**

1	948.22 (7) (b) 2. and (bm)	767.25 (1)	767.511 (1)
2	948.22 (7) (bm)	767.25 (1m)	767.511 (1m)
3	948.22 (7) (c)	767.265	767.75
4	948.22 (7) (c)	767.29	767.57
5	948.22 (7) (c)	767.30	767.77
6	948.31 (2)	767.60	767.803
7	972.085	767.47 (4)	767.87 (4)
8	973.05 (4m)	767.265 (4)	767.75 (4)
9	977.05 (4) (i) 7.	767.045 (1) (c)	767.407 (1) (c)
10	977.05 (4) (i) 7.	767.45 (1) (g)	767.80 (1) (g)
11	977.05 (4) (i) 7.	767.52	767.83
12	977.05 (6) (b) (intro.)	767.30 or 767.305	767.77 or 767.78
13	977.05 (6) (b) 1.	767.045 (1) (c)	767.407 (1) (c)
14	977.08 (2) (h)	767.52	767.83
15	978.06 (6)	767.075, 767.08, or	767.205 (2), 767.501, or
16		767.45	767.80
17	990.01 (19m) (b) and	767.60	767.803
18	(23m)		

SECTION 266. Initial applicability.

(1) The treatment of section 767.027 of the statutes first applies to actions to modify a judgment or order with respect to child support that are commenced on the effective date of this subsection.

SENATE BILL 123

(2) The treatment of sections 767.085 (1) and 767.215 (5) of the statutes first applies to petitions that are filed on the effective date of this subsection.

(3) The treatment of section 767.11 (12) of the statutes first applies to written mediation agreements that are certified by the mediator on the effective date of this subsection.

(4) The treatment of section 767.14 of the statutes first applies to actions affecting the family that are commenced on the effective date of this subsection.

(5) The treatment of section 767.145 (2) of the statutes first applies to motions for extension of time for service that are made on the effective date of this subsection.

~~(6) The treatment of section 767.25 (6) of the statutes first applies to arrearage determinations that are made on the effective date of this subsection.~~

(7) The treatment of section 767.265 (2h) and (2m) (b) of the statutes first applies to notices of assignment that are sent on the effective date of this subsection.

(8) The treatment of section 767.27 (1) of the statutes first applies to actions affecting the family that are commenced on the effective date of this subsection.

(9) The treatment of sections 767.293 and 767.71 of the statutes first applies to determinations sought by notices of reconciliation of account that are filed on the effective date of this subsection.

INSERT 5-19

(10) The treatment of section 767.37 (1) (a) and (c) and (3) of the statutes first applies to judgments that are granted on the effective date of this subsection.

(11) The treatment of sections 767.455 (5), (5g), and (5r), 767.457 (2), 767.459, 767.465 (2) (a) and (b) and (2m) (b), 767.475 (2m), 767.48 (1) (a), 767.813 (5) (b) and (c) and (5g), ~~767.841 (a) and (2)~~ 767.865 (1) (b) and (2), and 767.893 (2) (b) 2. of the statutes first applies to paternity actions that are commenced on the effective date of this subsection.

A-4 None

A-5

SENATE BILL 123

SECTION 266

1 (12) The treatment of section 767.501 (4) of the statutes first applies to actions
 2 to compel support or maintenance that are commenced on the effective date of this
 3 subsection.

4 (13) The treatment of section 767.61 (4), and (5) of the statutes first applies to
 5 judgments granted on the effective date of this subsection.

6 (14) The treatment of section 767.805 (1m) of the statutes first applies to
 7 statements acknowledging paternity that are filed on the effective date of this
 8 subsection.

9 (15) The treatment of section 767.814 of the statutes first applies to actions or
 10 proceedings under subchapter IX of chapter 767 of the statutes in which paternity
 11 is determined on the effective date of this subsection.

12 **SECTION 267. Effective date.**

13 (1) This act takes effect on ~~July 1, 2006~~.

INS. S-21

NOTE: The following list shows the general treatment of provisions of ch. 767 by this bill. The left-hand column ("current section") lists the current provisions of ch. 767. The right-hand column ("treatment") shows the general treatment of each provision by this bill.

<i>Current Section</i>	<i>Treatment</i>
767.001 (1d) to (2m)	No change.
767.001 (3)	Renumbered s. 767.405 (1) (a).
767.001 (4)	Renumbered s. 757.405 (1) (b).
767.001 (5) and (6)	No change.
767.01 (1)	Second sentence relocated to 767.201. Portion of current s. 767.05 (1) added.
767.01 (2)	No change.
767.01 (3)	Renumbered s. 767.80 (1m).
767.02 (1)	Renumbered s. 767.001 (1).
767.02 (2)	Renumbered s. 767.001 (1f) and modernized.
767.025	Renumbered s. 767.281.

SENATE BILL 123**SECTION 267**

<i>Current Section</i>	<i>Treatment</i>
767.027	Renumbered s. 767.70; clarified.
767.03	Renumbered s. 767.313 (1) (a) to (d).
767.04	Renumbered s. 767.18.
767.045	Renumbered s. 767.407.
767.05 (1)	Repealed; substance relocated to s. 767.01 (1).
767.05 (1m)	Renumbered s. 767.301.
767.05 (2)	Renumbered s. 767.41 (1) (a).
767.05 (3)	Renumbered s. 767.205 (1).
767.05 (4)	Renumbered s. 767.215 (2e).
767.05 (5)	Renumbered s. 767.205 (3).
767.05 (6)	Renumbered s. 767.264 (1).
767.05 (7)	Renumbered s. 767.331.
767.07	Renumbered s. 767.35 (1).
767.075	Renumbered s. 7767.205 (2).
767.077	Renumbered s. 767.521.
767.078 (1)	Renumbered s. 767.55 (3).
767.078 (2)	Renumbered s. 767.55 (3) (d).
767.08	Renumbered s. 767.501.
767.081	Renumbered s. 767.105.
767.082	Renumbered s. 767.323.
767.083	Renumbered s. 767.335.
767.085 (1)	Renumbered s. 767.215 (2); substantively revised.
767.085 (2)	Renumbered s. 767.215 (1).
767.085 (2m) and (3)	Renumbered s. 767.215 (2m) and (3).
767.085 (4)	Renumbered s. 767.317.
767.087	Renumbered s. 767.117.
767.09 (1)	Renumbered s. 767.35 (2) [and (4)].
767.09 (2)	Renumbered s. 767.35 (5).
767.10	Renumbered s. 767.34.
767.11 (1)	Renumbered s. 767.405 (1m).
767.11 (2) to (14)	Renumbered s. 767.405 (2) to (14); sub. (12) (a) substantively revised.

SENATE BILL 123**SECTION 267**

<i>Current Section</i>	<i>Treatment</i>
767.11 (15)	Repealed.
767.115 (1)	Renumbered s. 767.401 (1).
767.115 (1m) to (3)	Renumbered s. 767.401 (1) (c) to (e).
767.115 (4)	Renumbered s. 767.401 (2).
767.12 (1)	Renumbered s. 767.235 (1).
767.12 (2) and (3)	Renumbered s. 767.315 (1) and (2).
767.125	Renumbered s. 767.235 (2).
767.14	Repealed.
767.145 (1)	Repealed.
767.145 (2)	Renumbered s. 767.215 (4); substantively revised.
767.15	Renumbered s. 767.217.
767.16	Clarified; obsolete provision removed.
767.19 (1)	Renumbered s. 767.13; substantively revised.
767.19 (2)	Renumbered s. 767.235 (3).
767.20	Renumbered s. 767.395.
767.21	Renumbered s. 767.041.
767.22	Renumbered s. 767.055.
767.23 (1)	Renumbered s. 767.225 (1)
767.23 (1g)	Repealed
767.23 (1m)	Renumbered s. 767.225 (3m).
767.23 (1n)	Renumbered s. 767.225 (1n).
767.23 (2)	Renumbered s. 767.225 (2).
767.23 (3)	Renumbered s. 767.264 (2).
767.24 (1)	Renumbered s. 767.41 (1) (b); expanded.
767.24 (1m) to (8)	Renumbered s. 767.41 (1m) to (8).
767.24 (9)	Repealed.
767.242	Renumbered s. 767.471.
767.245	Renumbered s. 767.43.
767.247	Renumbered s. 767.44.
767.25 (1) to (4)	Renumbered s. 767.511 (1) to (4).
767.25 (4m)	Renumbered s. 767.513.

SENATE BILL 123

<i>Current Section</i>	<i>Treatment</i>
767.25 (5) to (7)	Renumbered s. 767.511 (5) to (7). Sub-section (6) clarified.
767.253	Renumbered s. 767.55 (1).
767.254	Renumbered s. 767.55 (4).
767.255	Renumbered s. 767.61; reorganized and substantively revised.
767.26	Renumbered s. 767.56.
767.261	Renumbered s. 767.531.
767.262	Renumbered s. 767.241.
767.263	Renumbered s. 767.58; sub. (1) clarified.
767.265 (1)	Renumbered s. 767.75 (1) (b) [and (1f)].
767.265 (1m) to (7m)	Renumbered s. 767.75 (1m) to (7m); (2h) and (2m) clarified.
767.265 (8)	Renumbered s. 767.75 (1) (intro.).
767.266	Renumbered s. 767.375.
767.267	Renumbered s. 767.76.
767.27 (1) to (2)	Renumbered s. 767.127 (1) to (2); sub. (1) substantively revised.
767.27 (2m)	Renumbered s. 767.54.
767.27 (3) to (5)	Renumbered s. 767.127 (3) to (5).
767.275	Renumbered s. 767.63.
767.28	Renumbered s. 767.385.
767.29 (1) (a) to (c)	Renumbered s. 767.57 (1) (a) to (c).
767.29 (1) (d) and (dm)	Renumbered s. 767.57 (1e) (a) and (b).
767.29 (1) (e)	Renumbered s. 767.57 (1h).
767.29 (1) (f)	Repealed.
767.29 (1m) to (4)	Renumbered s. 767.57 (1m) to (4).
767.293	Repealed. Recreated as s. 767.71 and substantively revised.
767.295 (1) and (2) (a)	Renumbered s. 767.55 (2) (a) and (am).
767.295 (2) (b) and (c)	Renumbered s. 767.55 (2) (b) and (c).
767.30	Renumbered s. 767.77.
767.303	Renumbered s. 767.73.
767.305	Renumbered s. 767.78.

SENATE BILL 123**SECTION 267**

<i>Current Section</i>	<i>Treatment</i>
767.31	Renumbered s. 767.57 (5); substantively revised.
767.32	Renumbered s. 767.59. Internally reorganized by subdividing and consolidating.
767.325 (1) to (8)	Renumbered s. 767.451 (1) to (8); sub. (1) (a) (intro.) clarified.
767.325 (9)	Repealed.
767.327 (1) to (6)	Renumbered s. 767.481 (1) to (6).
767.327 (7)	Repealed.
767.329	Renumbered s. 767.461; clarified.
767.33	Renumbered s. 767.553.
767.37 (1) (a)	Renumbered s. 767.251; substantively revised.
767.37 (1) (c)	Renumbered s. 767.36; substantively revised.
767.37 (2)	Renumbered s. 767.35 (6); portion repealed.
767.37 (3)	Renumbered s. 767.35 (3); clarified.
767.38	Renumbered s. 767.35 (7).
767.39 (1)	Renumbered s. 767.273; incorporates substance of current sub. (2).
767.39 (2)	Repealed; substance included in renumbered s. 767.273.
767.40	Renumbered s. 785.07.
767.42	Repealed.
767.45	Renumbered s. 767.80.
767.455 (1) to (4)	Renumbered s. 767.813 (1) to (4).
767.455 (5)	Renumbered s. 767.813 (5); expanded.
767.455 (5g)	Repealed; replaced by new s. 767.813 (5g).
767.455 (5r)	Repealed.
767.455 (5w)	Repealed.
767.455 (6)	Renumbered s. 767.813 (6).
767.456	Renumbered s. 767.815.
767.457 (1)	Renumbered s. 767.86.

SENATE BILL 123

<i>Current Section</i>	<i>Treatment</i>
767.457 (2)	Repealed.
767.458	Renumbered s. 767.863 (1); sub. (1) (intro.) clarified; sub. (1) (a) to (e) repealed.
767.458 (1m) to (3)	Renumbered s. 767.863 (1m) to (3).
767.459	Renumbered s. 767.865 (1) (a).
767.46	Renumbered s. 767.88.
767.463	Renumbered s. 767.855.
767.465	Renumbered s. 767.893; sub. (2) substantively revised; sub. (2m) repealed.
767.466	Renumbered s. 767.895.
767.47	Renumbered s. 767.87.
767.475	Renumbered s. 767.82; sub. (2m) clarified.
767.477	Renumbered s. 767.85.
767.48	Renumbered s. 767.84; sub. (1) (a) 1. substantively revised.
767.50	Renumbered s. 767.883.
767.51	Renumbered s. 767.89.
767.52	Renumbered s. 767.83.
767.53	Renumbered s. 767.853.
767.60	Renumbered s. 767.803.
767.62	Renumbered s. 767.805; substantively revised.

**SENATE AMENDMENT 1,
TO 2005 SENATE BILL 123**

February 6, 2006 - Offered by COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY.

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

2 **1.** Page 20, line 15: after "statutes" insert "as affected by 2005 Wisconsin Act
3 25". S-1

4 **2.** Page 57, line 5: after "court" insert "or county child support agency under
5 s. 59.53 (5)". S-2

6 **3.** Page 57, line 14: delete "clerk of court" and substitute "clerk of court or
7 county child support agency under s. 59.53 (5)". S-3

8 **4.** Page 59, line 4: delete lines 4 to 17 and substitute: S-4

9 "**(6)** INTEREST ON ARREARAGE. (intro.) A party ordered to pay child support under
10 this section shall pay simple interest at the rate of 1% per month on any amount in
11 arrears that is equal to or greater than the amount of child support due in one month.
12 If the party no longer has a current obligation to pay child support, interest at the
13 rate of 1% per month shall accrue on the total amount of child support in arrears, if

S-4

1 any. Interest under this subsection is in lieu of interest computed under s. 807.01
2 (4), 814.04 (4), or 815.05 (8) and is paid to the department or its designee under s.
3 ~~767.29~~ 767.57. Except as provided in s. ~~767.29~~ 767.57 (1m), the department or its
4 designee, ~~whichever is appropriate~~, shall apply all payments received for child
5 support as follows:

6 (7) EFFECT OF JOINT LEGAL CUSTODY. An order of joint legal custody under s.
7 ~~767.24~~ 767.41 does not affect the amount of child support ordered.”

S-5

8 **5.** Page 64, line 11: delete “(4) and (6)” and substitute “(4), (6) and (7m) (b)
9 (intro.) and (c)”.

S-6

10 **6.** Page 69, line 2: after that line insert:

11 “(7m) (b) (intro.) If after an assignment is in effect the payer’s employer
12 changes its payroll period, or the payer changes employers and the new employer’s
13 payroll period is different from the former employer’s payroll period, the ~~clerk of~~
14 court county child support agency under s. 59.53 (5) may, unless otherwise ordered
15 by a judge, amend the withholding assignment or order so that all of the following
16 apply:

17 (c) The ~~clerk of court~~ court county child support agency shall provide notice of the
18 amended withholding assignment or order by regular mail to the payer’s employer
19 and to the payer.”

S-7

20 **7.** Page 78, line 1: after “statutes” insert “, as affected by 2005 Wisconsin Act
21 25”.

S-8

22 **8.** Page 78, line 17: delete “46.22,” and substitute “46.22,”.

S-9

23 **9.** Page 79, line 8: after “receiving” insert “aid under s. 46.261 or”.

S-10

24 **10.** Page 79, line 11: before “48.57” insert “46.261 (3),”.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

11. Page 79, line 11: delete "(4) (h) 1.," and substitute "(4) (h) 1.,".

S-11

12. Page 79, line 12: before "48.57" insert "46.261 (3),".

S-12

13. Page 79, line 12: delete "(4) (h) 1.," and substitute "(4) (h) 1.,".

S-13

14. Page 81, line 3: delete the material beginning with "to the income" and ending with "206 (a) (1)" on line 5 and substitute "to the income a person would earn by working 40 hours per week for the federal minimum hourly wage under 29 USC 206 (a) (1)".

S-14

15. Page 93, line 4: delete "If Except as provided in sub. (8), if" and substitute "If".

S-15

16. Page 109, line 17: delete the material beginning with "court may" and ending with "shall," on line 18 and substitute: "court may, or upon the request of any party shall, unless s. 767.84 (1) (a) 2. applies,".

~~S-16~~

17. Page 115, line 23: delete the material beginning with that line and ending with page 116, line 2 and substitute:
"SECTION 214m. 767.50 of the statutes is renumbered 767.883, and 767.883 (1), as renumbered, is amended to read:".

S-17

18. Page 149, line 10: delete lines 10 and 11.

19. Page 149, line 18: after that line insert:

S-19

"(9m) The treatment of section 767.295 (2) (c) of the statutes first applies to child support orders that are granted on the effective date of this subsection."

20. Page 149, line 21: after "767.457 (2)," insert "767.458 (2),".

~~S-20~~

21. Page 150, line 13: delete "July 1, 2006" and substitute "January 1, 2007".

S-21

(END)

deleted by AA1-4

**ASSEMBLY AMENDMENT 1,
TO 2005 SENATE BILL 123**

February 28, 2006 - Offered by Representative KESTELL.

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

2 **1.** Page 109, line 17: delete the material beginning with "court" and ending
3 with "order" on line 18, as affected by senate amendment 1, and substitute "court
4 may, or upon the request of any party shall, order".

5 **2.** Page 114, line 6: delete the material beginning with that line and ending
6 with page 115, line 1, and substitute:

7 **"SECTION 211c.** 767.48 (1) (a) of the statutes is renumbered 767.84 (1) (a) and
8 amended to read:

9 767.84 (1) (a) The court may, and upon request of a party shall, require the
10 child, mother, any male for whom there is probable cause to believe that he had
11 sexual intercourse with the mother during a possible time of the child's conception,
12 or any male witness who testifies or will testify about his sexual relations with the
13 mother at a possible time of conception to submit to genetic tests. Probable cause of

1 sexual intercourse during a possible time of conception may be established by a
2 sufficient petition or affidavit of the child's mother or an alleged father, filed with the
3 court, or after an examination under oath of a party or witness, when the court
4 determines ~~such~~ that an examination is necessary. The court is not required to order
5 a person who has undergone a genetic test under s. 49.225 to submit to another test
6 under this paragraph unless a party requests additional tests under sub. (2).

7 **SECTION 212c.** 767.48 (1) (b) and (1m) to (7) of the statutes are renumbered*.

8 **3.** Page 135, line 22: delete the material beginning with that line and ending
9 with page 136, line 4.

10 **4.** Page 149, line 21: after "767.457 (2)," delete the material inserted by senate *
11 amendment 1.

12 **5.** Page 149, line 23: delete "767.84 (1) (a) 2.,".

13 (END)