

## 2011 DRAFTING REQUEST

### Bill

Received: **08/23/2011**

Received By: **fknepp**

Wanted: **As time permits**

Companion to LRB:

For: **Jon Erpenbach (608) 266-6670**

By/Representing: **Julie**

May Contact:

Drafter: **fknepp**

Subject: **Health - vital statistics**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Erpenbach@legis.wisconsin.gov**

Carbon copy (CC:) to: **fern.knepp@legis.wisconsin.gov**  
**tamara.dodge@legis.wisconsin.gov**

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### Pre Topic:

No specific pre topic given

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### Topic:

Recipients of certified copies of birth certificates

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### Instructions:

See attached

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### 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>
/?	fknepp 09/07/2011			_____			
/1		jdyer 10/04/2011	rschluet 10/04/2011	_____	lparisi 10/04/2011	mbarman 01/10/2012	
/2	fknepp 01/11/2012	jdyer 01/11/2012	rschluet 01/11/2012	_____	sbasford 01/11/2012	sbasford 01/11/2012	

FE Sent For:

None

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/?	fknepp 09/07/2011	<i>2/11 jld</i>		<i>4/12 em</i>			
/1		jdyer 10/04/2011	rschluet 10/04/2011	<i>phl</i>	lparisi 10/04/2011	mbarman 01/10/2012	

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*11/12*  
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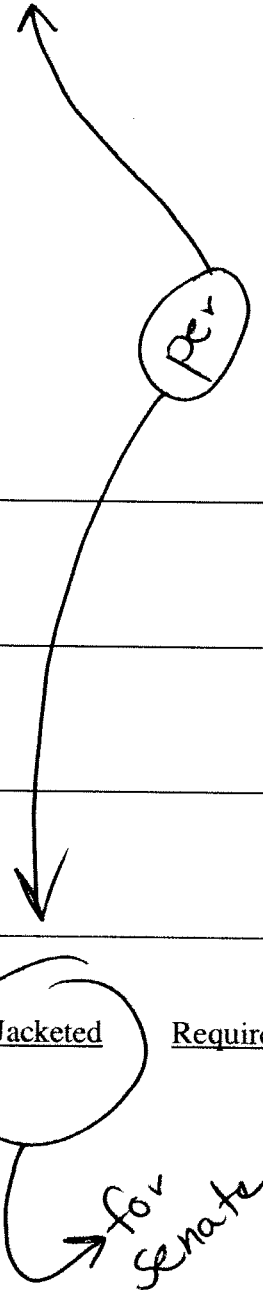
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1/?	fknepp	10/4 JLD					

FE Sent For:

<END>

Aug 23, 2011

Request from Julie in Senator Erpenbach's office

- Change who can receive a certified copy of a birth certificate to only the following:
  - the person/subject of the certificate
  - the parents of the subject
  - attorney of the person/parent

Len Knopp



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2718

FFK:.....

*note in 9-7-11*

*1  
jld RMR*

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

2011 BILL

*Date  
cmk*

*X*

*Gen*

1

AN ACT ...; relating to: obtaining a certified copy of a birth certificate.

**Analysis by the Legislative Reference Bureau**

Under current law, the state registrar<sup>✓</sup> and any local registrar may issue a certified copy of a birth certificate to any of the following:✓

- #1.* *a* The subject of the birth certificate (subject).✓
- #2.* *b* A member of the subject's immediate family.✓
- #3.* *c* The parent of a subject, unless the parent is a birth parent whose parental rights to the registrant have been terminated under ch. 48.✓
- #4.* *d* The subject's legal custodians or guardians.
- #5.* *e* A representative authorized by a permissible requester, including an attorney. *e.g.*
- #6.* *f* Any other person who demonstrates a direct and tangible interest when information is necessary for the determination or protection of a personal or property right.✓

Under this bill, <sup>✓</sup> the state registrar and any local registrar may only issue a certified copy of a birth certificate to the subject of the birth certificate, <sup>✓</sup> the subject's parents, or an attorney representing the subject or the subject's parent. <sup>✓</sup>

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

2

SECTION 1. 69.21 (1) (a) 2. a. of the statutes is amended to read: <sup>X</sup>

1           69.21 (1) (a) 2. a. A vital record that is not a birth certificate,<sup>✓</sup> if the event which  
2 is the subject of the vital record occurred after September 30, 1907, unless the  
3 requester is a person with a direct and tangible interest in the record or unless the  
4 registrar has received a court order directing issuance of the vital record.

5 History: 1985 a. 315; 1987 a. 307; 1997 a. 210; 1999 a. 185; 2001 a. 16. <sup>✓</sup>

5           **SECTION 2.** 69.21 (1) (a) 2. am. of the statutes is created to read:

6           69.21 (1) (a) 2. am. A birth certificate,<sup>✓</sup> unless the requester is the registrant,  
7 the parent of the registrant, unless the parent is a birth parent whose parental rights  
8 to the subject have been terminated under ch. 48,<sup>✓</sup> or an attorney representing the  
9 registrant or the parent of the registrant or unless the registrar has received a court  
10 order directing issuance of the birth certificate.<sup>✓</sup>

11

(END)





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

LRB-2718/3dn

FFK:.....

date

JLd

Senator Erpenbach: ✓

As drafted, a legal custodian or guardian of the subject of a birth certificate may not obtain a certified copy of the subject's birth certificate. ✓ This means that the legal guardian of a minor who does not have a parent will have to go to court to get the child's birth certificate. Similarly, a legal guardian of an incapacitated person would also have to go to court in order to obtain a birth certificate for a person under a guardianship if the person's parents are unavailable. ✓ If this is not consistent with your intent, please contact me.

Fern Knepp  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: fern.knepp@legis.wisconsin.gov

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

LRB-2718/1dn  
FFK:jld:rs

October 4, 2011

Senator Erpenbach:

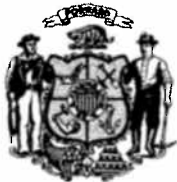
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Legislative Attorney  
Phone: (608) 261-6927  
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1-10-12

Telephone call from  
Julie in Sen Erpenbach's office

\* Allow legal custodian or guardian to  
obtain Cert. copy of birth certificate



State of Wisconsin  
2011 - 2012 LEGISLATURE

In 1-11-12



LRB-2718(1)  
FFK:jld:rs

1/2  
RMA

2011 BILL

4

Regen

1 AN ACT *to amend* 69.21 (1) (a) 2. a.; and *to create* 69.21 (1) (a) 2. am. of the  
2 statutes; **relating to:** obtaining a certified copy of a birth certificate. ✓

*Analysis by the Legislative Reference Bureau*

Under current law, the state registrar and any local registrar may issue a certified copy of a birth certificate to any of the following:

1. The subject of the birth certificate (subject).
2. A member of the subject's immediate family.
3. The parent of a subject, unless the parent is a birth parent whose parental rights to the registrant have been terminated.
4. The subject's legal custodians or guardians.
5. A representative authorized by a permissible requester, including an attorney.
6. Any other person who demonstrates a direct and tangible interest when information is necessary for the determination or protection of a personal or property right. ✓

Under this bill, the state registrar and any local registrar may only issue a certified copy of a birth certificate to the subject of the birth certificate, the subject's parents or an attorney representing the subject or the subject's parent. ✓

→ the subject's legal custodians or guardians

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

or the subject's legal custodian or guardian ✓

**BILL**

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8 the parent of the registrant, unless the parent is a birth parent whose parental rights

9 to the subject have been terminated under ch. 48;<sup>;</sup> or an attorney representing the

10 registrant<sup>;</sup> or the parent of the registrant or unless the registrar has received a court

11 order directing issuance of the birth certificate.<sup>;</sup>

12

(END)

*← semicolon*

*the legal custodian or guardian of the registrant*  
*or the legal custodian or guardian of the registrant*