








State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 02/06/2012 (Per: PJK & GMM)

Compile Draft – Appendix A **... Part 01 of 01**

- A  The 2011 drafting file for LRB-0558
- B  The 2011 drafting file for LRB-0559
- C  The 2011 drafting file for LRB-0560
- D  The 2011 drafting file for LRB-0563
- E  The 2011 drafting file for LRB-0569

2011 LRB-0558 has been copied/added to the drafting file for

2011 LRB-0568

2011 DRAFTING REQUEST

Bill

Received: 11/19/2010

Received By: pkahler

Wanted: As time permits

Companion to LRB:

For: Legislative Council - LRC

By/Representing: Laura Rose

May Contact:

Drafter: pkahler

Subject: Dom. Rel. - paternity

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Anne.Sappenfield@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Delete reference to minors signing paternity acknowledgments

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>
/?	pkahler 11/19/2010	jdye 11/22/2010		_____			
/P1			rschluet 11/23/2010	_____	sbasford 11/23/2010		
/1	pkahler 01/12/2012	jdye 01/13/2012	phenry 01/13/2012	_____	ggodwin 01/13/2012		

FE Sent For:

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/?	pkahler 11/19/2010	jdye 11/22/2010					
/P1			rschluet 11/23/2010		sbasford 11/23/2010		

FE Sent For:

<END>

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/?	pkahler	P1 11/22 jld	J 11/22/10	Ken 11/23 J 4/23			

FE Sent For:

<END>



Jim Doyle
Governor

Reggie Bicha
Secretary

State of Wisconsin
Department of Children and Families

201 East Washington Avenue, Room G200
P O Box 8916
Madison, WI 53708-8916

Telephone: 608-267-3905
Fax: 608-266-6838
dcf.wisconsin.gov

CORRESPONDENCE/Memorandum _____ **State of Wisconsin**

Date: October 29, 2010
To: Director Terry Anderson
Legislative Council
From: Secretary Reggie Bicha *R. Bicha*
Department of Children and Families
Subject: Department of Children and Families Law Revision Proposals

The Department of Children and Families is seeking a number of technical amendments through the law revision process. Below are the proposals listed by program area and unless otherwise stated the proposal has not been introduced in previous sessions and have no fiscal effect.

Child Support:

Technical amendments to Chapter 767 intended to address minor corrections needed following the recodification of that Chapter in 2005 Wisconsin Act 443.

Requests 1 through 5 were included as a part of 2007 SB 362. However, that legislation was not acted upon prior to the end of the legislative session. None of the following proposals will have a fiscal effect. → 2449

3. Voluntary Paternity Acknowledgments/Minors

Specific Statutory Change

Amend s.69.15(3)(b)3 to delete the language allowing the State Registrar to accept voluntary paternity acknowledgments signed by minor parents.

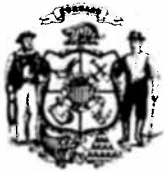
Administrative or Substantive Problem with Current Law and Need for the Change

2005 Wis. Act 443 created s.767.805(1m) which provides that minor parents are not permitted to sign voluntary acknowledgments of paternity. It was determined by the Legislative Council Special Committee on Recodification of Chapter 767 that minors need the protection of a guardian ad litem to explain their rights and responsibilities. However, the vital records provisions in Chapter 69 still allow the State Registrar to accept voluntary paternity acknowledgments from minors as long as the form is also signed by a parent or legal guardian of a minor.

4. Paternity/GAL for Deceased Respondents

Specific Statutory Change

Amend Wis. Stat. s§ 767.865(1) to provide that the summons and petition must be served on the personal representative of or the guardian ad litem of the deceased respondent



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-05583

PJK:.....

Handwritten initials and arrows pointing to the QR code area.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Handwritten note: (2-11-17)

Handwritten mark: LX

Handwritten note: Department ✓

1 **AN ACT** ✓; **relating to:** deleting a reference to minors acknowledging paternity
2 (suggested as remedial legislation by the Department of ✓Children and
3 Families).

Analysis by the Legislative Reference Bureau

Under current law, a court may order ✓child support, legal custody, and periods of physical placement on the basis of a statement acknowledging paternity that is signed by both parents and filed with the state registrar. ✓The state registrar may insert the name of the father on a child's birth certificate ✓on the basis of a statement acknowledging paternity. Since January 1, 2007, ✓a minor has been prohibited from signing a statement acknowledging paternity. ✓Current law, however, authorizes the state registrar to insert the father's name on a child's birth certificate on the basis of a statement acknowledging paternity that is signed by a minor parent as long as the minor parent's parent or legal guardian signs, too. ✓This bill harmonizes the prohibition against a minor parent signing a statement ✓acknowledging paternity with the statutes related to requirements for when the state registrar may change facts on birth certificates. ✓

For further information, see the NOTES ✓ provided by the Law Revision Committee of the Joint Legislative Council.

Handwritten checkmark ✓

Handwritten note in a box: INSERT PREF

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



1 **SECTION 1.** 69.15 (3) (b) 3. of the statutes is amended to read:

2 69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives
3 a statement acknowledging paternity on a form prescribed by the state registrar and
4 signed by both parents, ~~and by a parent or legal guardian of any parent who is neither~~
5 of whom [✓] was under the age of 18 years when the form was signed, [✓] along with the fee
6 under s. 69.22, the state registrar shall insert the name of the father under subd. 1.
7 The state registrar shall mark the certificate to show that the form is on file. The
8 form shall be available to the department of children and families or a county child
9 support agency under s. 59.53 (5) pursuant to the program responsibilities under s.
10 49.22 or to any other person with a direct and tangible interest in the record. The
11 state registrar shall include on the form for the acknowledgment the information in
12 s. 767.805 and the items in s. 767.813 (5g).

13 **History:** 1985 a. 315; 1987 a. 413; 1989 a. 183; 1993 a. 481; 1995 a. 201, 404; 1997 a. 3, 27, 191; 2001 a. 16, 61; 2003 a. 52; 2005 a. 443 ss. 4, 5, 265; 2007 a. 20.

(END)

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

PI
LRB-05584 ins
PJK:.....

INSERT PREF

LRS -
use
note: LRC
component

insert
not
checked
in

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is introduced by the Law Revision Committee under s. 13.83 (1) (c) 1. and 5., stats., as a result of the Legislative Reference Bureau's case and opinion review under s. 13.92 (2) (j), stats. This bill is a remedial legislation proposal, requested by the [?] and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

Department of
Children and
Families

(end ins)

Kahler, Pam

From: Malaise, Gordon
Sent: Tuesday, November 16, 2010 5:41 PM
To: Kahler, Pam
Cc: Rose, Laura
Subject: FW: Department of Children and Families Law Revision Proposals
Attachments: law revision-1.pdf

Pam:

Here are DCF's remedial legislation proposals. The proposals relating to child support and W-2 look like yours. The child welfare proposals are mine.

Gordon

From: Rose, Laura
Sent: Tuesday, November 16, 2010 3:17 PM
To: Malaise, Gordon
Subject: FW: Department of Children and Families Law Revision Proposals

Hi, Gordon,

Attached are the Law Revision remedial legislation proposals from DCF for the upcoming legislative session. I reviewed them, and I think they are okay. Please let me know if you have any questions.

Thanks very much,

Laura

Laura D. Rose, Deputy Director

Wisconsin Legislative Council

One East Main Street, Suite 401

PO Box 2536

Madison, WI 53701-2536

tel: 608.266.9791

fax: 608.266.3830

laura.rose@legis.wisconsin.gov

11/17/2010

From: DCF Secretary Reggie Bicha [mailto:DCFSecretaryReggieBicha@wisconsin.gov]
Sent: Friday, October 29, 2010 3:20 PM
To: Anderson, Terry C.
Cc: Rose, Laura
Subject: Department of Children and Families Law Revision Proposals

I am attaching the Department of Children and Families Law Revision Proposals. Thank you.

Sincerely,

Reggie Bicha
Secretary

11/17/2010



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0558 PA
PJK:jld:re

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

by 1-17
(2-1-12)

2011 BILL

4

Regen

1 AN ACT to amend 69.15 (3) (b) 3. of the statutes; relating to: deleting a reference
2 to minors acknowledging paternity (suggested as remedial legislation by the
3 Department of Children and Families).

Analysis by the Legislative Reference Bureau

Under current law, a court may order child support, legal custody, and periods of physical placement on the basis of a statement acknowledging paternity that is signed by both parents and filed with the state registrar. The state registrar may insert the name of the father on a child's birth certificate on the basis of a statement acknowledging paternity. Since January 1, 2007, a minor has been prohibited from signing a statement acknowledging paternity. Current law, however, authorizes the state registrar to insert the father's name on a child's birth certificate on the basis of a statement acknowledging paternity that is signed by a minor parent as long as the minor parent's parent or legal guardian signs, too. This bill harmonizes the prohibition against a minor parent signing a statement acknowledging paternity with the statutes related to requirements for when the state registrar may change facts on birth certificates.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE This bill is a remedial legislation proposal, requested by the Department of Children and Families and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 69.15 (3) (b) 3. of the statutes is amended to read:

2 69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives
3 a statement acknowledging paternity on a form prescribed by the state registrar and
4 signed by both parents, ~~and by a parent or legal guardian of any parent who is neither~~
5 of whom was under the age of 18 years when the form was signed, along with the fee
6 under s. 69.22, the state registrar shall insert the name of the father under subd. 1.
7 The state registrar shall mark the certificate to show that the form is on file. The
8 form shall be available to the department of children and families or a county child
9 support agency under s. 59.53 (5) pursuant to the program responsibilities under s.
10 49.22 or to any other person with a direct and tangible interest in the record. The
11 state registrar shall include on the form for the acknowledgment the information in
12 s. 767.805 and the items in s. 767.813 (5g).

13



(END)

Insert 2-12 ✓

1. *Final*
2. *Notes*

Section 2-12

CCB

Modifies the statute relating to inserting the name of a father on a birth certificate pursuant to an acknowledgement of paternity so that it is consistent with current law under which a minor father may not sign an acknowledgement of paternity.

[Faint handwritten notes]

(2-12 of 2-12)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0558/1
PJK:jld:ph

2011 BILL

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BILL

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NOTE: Modifies the statute relating to inserting the name of a father on a birth certificate pursuant to an acknowledgement of paternity so that it is consistent with current law under which a minor father may not sign an acknowledgement of paternity.

13

(END)