



# 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 B ... 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-0559** 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:

Notice to GALs representing deceased respondents

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 11/22/2010	jdyer 11/22/2010		_____			
/P1			rschluet 11/23/2010	_____	sbasford 11/23/2010		
/1	pkahler 01/12/2012	jdyer 01/13/2012	phenry 01/13/2012	_____	sbasford 01/13/2012		

FE Sent For:

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: Laura.Rose@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given


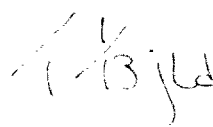
Topic:

Notice to GALs representing deceased respondents

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 11/22/2010	jdyer 11/22/2010		_____	_____	_____	_____
/P1			rschluet 11/23/2010	_____	sbasford 11/23/2010	_____	_____

FE Sent For:

<END>

**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: **Laura.Rose@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Notice to GALs representing deceased respondents

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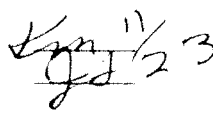
**Instructions:**

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>
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1/2	pkahler	PI 11/22 jld					
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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 8918  
Madison, WI 53708-8918

Telephone: 608-267-3905  
Fax: 608-266-8838  
dcf.wisconsin.gov

**CORRESPONDENCE/** Memorandum \_\_\_\_\_ State of Wisconsin

**Date:** October 29, 2010

**To:** Director Terry Anderson  
Legislative Council

**From:** Secretary Reggie Bicha *RB*  
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. <sup>→ 2449</sup> 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.

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.

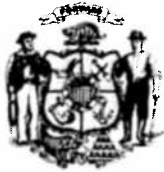
Administrative or Substantive Problem with Current Law and Need for the Change

2005 Wis. Act 443 created s.767.865 under which a guardian ad litem is authorized to appear on behalf of a deceased respondent in a paternity action if there is no personal representative. However, the language provides that the summons and petition must be served on both the guardian ad litem and the personal representative.

5. Paternity Summons/Notice to Parties

Specific Statutory Change

Amend Wis. Stat. § 767.813(5) (a)4 to change the period of imprisonment to 3 years and 6 months.



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

(2-11-22)

LX

1 AN ACT relating to: on whom the summons and petition must be served in a  
2 paternity action when the respondent is deceased (suggested as remedial  
3 legislation by the Department of Children and Families).

***Analysis by the Legislative Reference Bureau***

Under current law, a personal representative for a deceased respondent in a paternity action may appear for the respondent whenever an appearance is required. If the deceased respondent does not have a personal representative, the court may appoint a guardian ad litem, and the guardian ad litem may appear for the deceased respondent. Current law requires that the summons and petition in the paternity action be served on the personal representative and the guardian ad litem of a deceased respondent. This bill changes the "and" to an "or." Since the court appoints a guardian ad litem only if there is no personal representative, a deceased respondent in a paternity action would not have both a personal representative and a guardian ad litem.

INSERT  
PREF

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:***

4

(END)

FILED IN 2007 (LRB-2449/2)

SENATE BILL 362

1 SECTION 9. 767.61 (7) of the statutes is created to read:

2 767.61 (7) REVISION PROHIBITED. A court may not revise or modify a judgment  
3 or order with respect to final division of property.

4 SECTION 10. 767.813 (5) (a) 4. of the statutes is amended to read:

5 767.813 (5) (a) 4. You are also notified that interference with the custody of a  
6 child is punishable by a fine of up to \$10,000 and imprisonment for up to 5 3 years  
7 and 6 months. Section 948.31, stats.

Keep

8 SECTION 11. 767.865 (1) (a) of the statutes is amended to read:

9 767.865 (1) (a) The personal representative or, if there is no personal  
10 representative, a guardian ad litem in accordance with par. (b) may appear for a  
11 deceased respondent whenever an appearance by the respondent is required. The  
12 summons and petition shall be served on the personal representative of and or  
13 guardian ad litem for the deceased respondent under s. 767.813 (3).

DO NOT delete

14 SECTION 12. Initial applicability.

15 (1) SOCIAL SECURITY NUMBERS IN PATERNITY ACTIONS. The treatment of section  
16 767.215 (5) (am) of the statutes first applies to paternity actions that are commenced  
17 on the effective date of this subsection.

18 (END)

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

0559  
LRB-0558.7ins  
PJK:.....

INSERT PREF

PS -  
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ote: LRC  
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in

LAW REVISION COMMITTEE PREFATORY NOTE: ~~This bill is introduced by the Law Revision Committee under s. 13.83 (1) (a) and 5., stats. as a result of the Legislative Reference Bureau's case and opinion review under s. 13.92 (2) (a) 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](mailto: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

Provides that in a paternity action in which the respondent is deceased, either the personal representative or the guardian ad litem for the deceased respondent must be served with the summons and petition. Under current law, a personal representative or a guardian ad litem may appear for a deceased respondent; however, current law requires both to be served with the summons or petition.



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0559 P  
PJK:jld:rs

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2011 BILL

in 102  
by 1-17

✓

Regen

1 **AN ACT to amend** 767.865 (1) (a) of the statutes; **relating to:** on whom the  
2 summons and petition must be served in a paternity action when the  
3 respondent is deceased (suggested as remedial legislation by the Department  
4 of Children and Families).

***Analysis by the Legislative Reference Bureau***

Under current law, a personal representative for a deceased respondent in a paternity action may appear for the respondent whenever an appearance is required. If the deceased respondent does not have a personal representative, the court may appoint a guardian ad litem, and the guardian ad litem may appear for the deceased respondent. Current law requires that the summons and petition in the paternity action be served on the personal representative *and* the guardian ad litem of a deceased respondent. This bill changes the "and" to an "or." Since the court appoints a guardian ad litem only if there is no personal representative, a deceased respondent in a paternity action would not have both a personal representative and a guardian ad litem.

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.** 767.865 (1) (a) of the statutes is amended to read:

2           767.865 (1) (a) The personal representative or, if there is no personal  
3 representative, a guardian ad litem in accordance with par. (b) may appear for a  
4 deceased respondent whenever an appearance by the respondent is required. The  
5 summons and petition shall be served on the personal representative of ~~and~~ or  
6 guardian ad litem for the deceased respondent under s. 767.813 (3).

7

(END)

*Insert 2-6* ✓

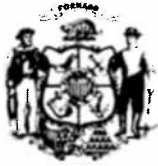
**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0559/lins  
PJK:.....

**INSERT 2-6**

NOTE: Provides that in a paternity action in which the respondent is deceased, either the personal representative or the guardian ad litem for the deceased respondent must be served with the summons and petition. Under current law, a personal representative or a guardian ad litem may appear for a deceased respondent; however, current law requires both to be served with the summons or petition. ✓

**(END OF INSERT 2-6)**



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0559/1  
PJK:jld:ph

## 2011 BILL

1 **AN ACT** *to amend* 767.865 (1) (a) of the statutes; **relating to:** on whom the  
2 summons and petition must be served in a paternity action when the  
3 respondent is deceased (suggested as remedial legislation by the Department  
4 of Children and Families).

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### *Analysis by the Legislative Reference Bureau*

Under current law, a personal representative for a deceased respondent in a paternity action may appear for the respondent whenever an appearance is required. If the deceased respondent does not have a personal representative, the court may appoint a guardian ad litem, and the guardian ad litem may appear for the deceased respondent. Current law requires that the summons and petition in the paternity action be served on the personal representative *and* the guardian ad litem of a deceased respondent. This bill changes the "and" to an "or." Since the court appoints a guardian ad litem only if there is no personal representative, a deceased respondent in a paternity action would not have both a personal representative and a guardian ad litem.

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

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

**BILL**

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.

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6 guardian ad litem for the deceased respondent under s. 767.813 (3).

NOTE: Provides that in a paternity action in which the respondent is deceased, either the personal representative or the guardian ad litem for the deceased respondent must be served with the summons and petition. Under current law, a personal representative or a guardian ad litem may appear for a deceased respondent; however, current law requires both to be served with the summons or petition.

7

(END)