

2011 DRAFTING REQUEST

Senate Amendment (SA-SB(LRBx4225/1))

Received: 03/02/2012

Received By: phurley

Wanted: As time permits

Companion to LRB: a2567

For: Sheila Harsdorf (608) 266-7745

By/Representing:

May Contact:

Drafter: phurley

Subject: Courts - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Harsdorf@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Confidentiality of name changes

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>
/?	phurley 03/02/2012	kfollett 03/02/2012		_____			
/1			jmurphy 03/02/2012	_____	lparisi 03/02/2012	lparisi 03/02/2012	

FE Sent For:

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/?	phurley	1/15/12 3/2	Jan 3/2	self 3/2			

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-4225/1
PJH:med&wlj:jm

2011 BILL

1 AN ACT *to amend* 786.36 (2); and *to create* 786.36 (2m) and 786.37 (4) of the
2 statutes; **relating to:** keeping certain name changes confidential.

Analysis by the Legislative Reference Bureau

Under current law, a person who wishes to change his or her name may petition the circuit court in the county where he or she resides for the name change. Current law requires publication in a newspaper of the person's petition for a name change. After the court grants the person's name change, the order for the name change is entered in the records of the court and a certified copy of the record is recorded in the office of the county register of deeds. If the person whose name was changed was born or married in this state, records of the name change are forwarded to the state registrar of vital statistics (state registrar) so that the records kept by the state registrar can be amended to reflect the name change. The state registrar directs the register of deeds and the local registrar to amend their records as well.

Under this bill, a person who wishes to change his or her name is exempt from the requirement to publish the petition for a name change in a newspaper if the person who wishes to change his or her name demonstrates to the court that publication of his or her petition could endanger him or her and that he or she is not seeking a name change in order to avoid a debt or conceal a criminal record. If the court determines that publication in a newspaper is not required for that reason, all records of the name change are confidential. Under the bill, the court that orders the name change forwards to the register of deeds a form that states the petitioner's former name and states that the new name is confidential. If the person whose name was changed was born or married in this state, records of the name change are

BILL

forwarded to the state registrar so that the records kept by the state registrar can be amended to reflect the name change, but the state registrar forwards to the register of deeds and the local registrar a form that states the petitioner's former name and states that the new name is confidential. Under the bill, records of an otherwise confidential name change may be inspected by another person if that person demonstrates to the court that there is good cause for the person to inspect the records and that the safety of the petitioner is not jeopardized.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 786.36 (2) of the statutes is amended to read:

2 786.36 (2) The Except as provided in sub. (2m), the order shall be entered at
3 length upon the records of the court and a certified copy of the record shall be
4 recorded in the office of the register of deeds of the county, who shall make an entry
5 in a book to be kept by the register. The fee for recording a certified copy is the fee
6 specified under s. 59.43 (2) (ag). If the person whose name is changed or established
7 was born or married in this state, the clerk of the court shall send to the state
8 registrar of vital statistics, on a form designed by the state registrar of vital statistics,
9 an abstract of the record, duly certified, accompanied by the fee prescribed in s. 69.22,
10 which fee the clerk of court shall charge to and collect from the petitioner. The state
11 registrar of vital statistics shall then correct the birth record, marriage record or
12 both, and direct the register of deeds and local registrar to make similar corrections
13 on their records.

14 **SECTION 2.** 786.36 (2m) of the statutes is created to read:

15 786.36 (2m) (a) Except as provided in par. (b), if the court determines that,
16 pursuant to s. 786.37 (4), publication of the petition is not required, all records
17 related to the petitioner's name change shall be confidential and are exempt from

BILL

1 disclosure under s. 19.35 (1). The court shall transmit to the register of deeds a form
2 that states the petitioner's former name and states that the new name is confidential.
3 The fee for recording a certified copy is the fee specified under s. 59.43 (2) (ag). If the
4 person whose name is changed or established was born or married in this state, the
5 clerk of the court shall send to the state registrar of vital statistics, on a form designed
6 by the state registrar of vital statistics, an abstract of the record, duly certified,
7 accompanied by the fee prescribed in s. 69.22, which fee the clerk of court shall charge
8 to and collect from the petitioner. The state registrar of vital statistics shall then
9 correct the birth record, marriage record, or both, and shall transmit to the register
10 of deeds and the local registrar a form that states the petitioner's former name and
11 states that the new name is confidential.

12 (b) The court may, upon good cause shown by a person and upon determining
13 that the safety of the petitioner is not jeopardized, allow the person to inspect a record
14 that is confidential under par. (a).

15 **SECTION 3.** 786.37 (4) of the statutes is created to read:

16 786.37 (4) Subsection (1) does not apply if the petitioner shows, by a
17 preponderance of the evidence, that publication of his or her petition could endanger
18 him or her and that he or she is not seeking a name change in order to avoid a debt
19 or conceal a criminal record.

20 **SECTION 4. Initial applicability.**

21 (1) This act first applies to petitions that are filed on the effective date of this
22 subsection.

23 (END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2567/2
PJH:cjs:jm

stays

to SA (LB-422511)
to SB

**ASSEMBLY AMENDMENT,
TO 2011 ASSEMBLY BILL 379**

a2582
rmm

today
please

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 3, line 2: after "confidential" insert "and may not be disclosed except
- 3 pursuant to par. (b)".
- 4 **2.** Page 3, line 4: delete "or married".
- 5 **3.** Page 3, line 9: delete lines 9 to 11 and substitute "correct the birth record
- 6 and, upon request by the petitioner and payment by the petitioner of the fees
- 7 required under s. 69.22, issue to the petitioner the number of certified copies of the
- 8 corrected birth record requested by the petitioner".
- 9 **4.** Page 3, line 12: delete lines 12 to 14 and substitute:
- 10 "(b) Notwithstanding ss. 69.20 and 69.21, information that is confidential
- 11 under this subsection may not be disclosed by the state registrar of vital statistics,
- 12 the register of deeds, or a local registrar except pursuant to a court order. A court

1 may order disclosure of confidential information upon good cause shown and upon
2 determining that the safety of the petitioner is not jeopardized by disclosure.”

3 (END)