
















State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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

Date Transfer Requested: 10/01/2013 (Per: EHS)

Appendix A1

- **Appendix A1**  The drafting file for LRB 13-0480 (used to create 13-3303)
- Appendix A2**  The drafting file for LRB 11-0558 (used to create 13-0480)
- Appendix B1**  The drafting file for LRB 13-0481 (used to create 13-3303)
- Appendix B2**  The drafting file for LRB 11-0559 (used to create 13-0481)
- Appendix C1**  The drafting file for LRB 13-0482 (used to create 13-3303)
- Appendix C2**  The drafting file for LRB 11-0560 (used to create 13-0482)
- Appendix D1**  The drafting file for LRB 13-0483 (used to create 13-3303)
- Appendix D2**  The drafting file for LRB 11-0563 (used to create 13-0483)
- Appendix E**  The drafting file for LRB 13-0484 (used to create 13-3303)
- Appendix F**  The drafting file for LRB 13-0486 (used to create 13-3303)
- Appendix G**  The drafting file for LRB 13-0487 (used to create 13-3303)
- Appendix H**  The drafting file for LRB 13-0488 (used to create 13-3303)
- Appendix I**  The drafting file for LRB 13-0489 (used to create 13-3303)

has been transferred to the drafting file for

2013 LRB-3303

2013 DRAFTING REQUEST

Bill

Received: 11/1/2012 Received By: pkahler
 Wanted: As time permits Same as LRB:
 For: Legislative Council - LRC By/Representing: Anne Sappenfield
 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 11/2/2012	evinz 11/6/2012		_____			
/P1	pkahler 11/27/2012		rschluet 11/7/2012	_____	mbarman 11/7/2012		
/P2	pkahler 8/9/2013	evinz 11/28/2012	rschluet 11/28/2012	_____	sbasford 11/28/2012		
/1		evinz	phenry	_____	sbasford		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		8/12/2013	8/13/2013	_____	8/13/2013		

FE Sent For:

<END>

2013 DRAFTING REQUEST

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/?	pkahler 11/2/2012	evinz 11/6/2012		_____			
/P1	pkahler 11/27/2012		rschluet 11/7/2012	_____	mbarman 11/7/2012		
/P2		evinz 11/28/2012	rschluet 11/28/2012	_____	sbasford 11/28/2012		

FE Sent For:

1 eeV
8/12/13
8/13/13 P/P
<END>

2013 DRAFTING REQUEST

Bill

Received: 11/1/2012 Received By: pkahler
Wanted: As time permits Same as LRB:
For: Legislative Council - LRC By/Representing: Anne Sappenfield
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 11/2/2012	evinz 11/6/2012		_____			
/P1			11/7/2012	_____	mbarman 11/7/2012		

pkahler 11/28/12 *pkahler 11/28/12*
S
11/28/12
<END>

FE Sent For:

2013 DRAFTING REQUEST

Bill

Received: 11/1/2012

Received By: pkahler

Wanted: As time permits

Same as LRB:

For: Legislative Council - LRC

By/Representing: Anne Sappenfield

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

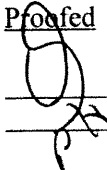
Topic:

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	1/pl eev 11/6/12	1/pl eev 11/6/12				

FE Sent For:

<END>

Kahler, Pam

From: Malaise, Gordon
Sent: Thursday, November 01, 2012 3:47 PM
To: Kahler, Pam
Subject: FW: DCF Law Revision Proposals
Attachments: 20121031101703927.pdf; LRB-0568--2 Last session law revision bill (SB 460).pdf; LRB-0568-P1 CW #1 Notice to unborn child.pdf; LRB-0569-P1 CW #2 & #3 Abuse & neglect + Foster parent training.pdf; LRB-0558-P1 CS #1 voluntary paternity - minors.pdf; LRB-4038-P1 CC #2 Criminal History of Child Care Licensees.pdf; LRB-0559-P1 CS #3 GAL & deceased respondents.pdf; LRB-0563-P1 CS #4 Release of frozen accounts.pdf; LRB-0560-P1 CS #2 Paternity summons imprisonment.pdf

Pam:

The redrafts of 11-0558, 11-0559, 11-560, and 11-0563 are yours as is Item 1 under Child Care in the Secretary's memo relating to Shares Child Care Subsidy Eligibility Services.

The redrafts of 11-0568, 11-0569, and 11-4038 are mine.

Gordon

From: Sappenfield, Anne
Sent: Thursday, November 01, 2012 2:25 PM
To: Malaise, Gordon
Subject: FW: DCF Law Revision Proposals

Hi Gordon,

I am attaching DCF's requests to the Law Revision Committee for remedial legislation for next session.

Let me know if you have any questions.

Thanks!
Anne

From: DCF Secretary Eloise Anderson [<mailto:DCFSecretaryEloiseAnderson@wisconsin.gov>]
Sent: Wednesday, October 31, 2012 10:30 AM
To: Sappenfield, Anne
Cc: Archer, Cynthia - DCF; Lippert, MaryAnn - DCF
Subject: DCF Law Revision Proposals

Attached please find the Department of Children and Families remedial legislation proposals for consideration. A hard copy will follow in the mail.

Child Support

1. Voluntary Paternity Acknowledgements From Minors

Specific Statutory Change:

Amend s. 69.15 (3) (b) 3 to remove the authority of the state registrar to receive voluntary paternity acknowledgements from minors.

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

2005 Wisconsin Act 443 created s.767.805 (1m) which provides that minor parents are not permitted to sign voluntary acknowledgements of paternity. However the vital records provisions in Chapter 69 still allow the state registrar to accept voluntary paternity acknowledgements from minors as long as the form is also signed by a parent or legal guardian of a minor. The Chapter 69 provision is in direct conflict with s. 767.805 (1m).

Fiscal Effect: None

Earlier LRB Draft: LRB-0558/P1

2. Summons in Paternity Action

Specific Statutory Change:

Amend s. 767.813 (5) (a) to correct the maximum length of time for imprisonment for interfering with the custody of a child that is stated in the form for a paternity action summons.

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

In s. 767.813 a form for a summons in a paternity action provides notice that interfering with the custody of a child (Class I felony, as identified in s. 948.31(2)) is punishable by imprisonment for up to five years. However, a Class I felony is actually punishable by imprisonment for up to three years and six months.

Fiscal Effect: None

Earlier LRB Draft: LRB-0560/P1 and LRB-0568/2 [2011 Senate Bill 460]

3. Paternity/GAL for Deceased Respondents

Specific Statutory Change:

Amend s. 767.865 (1) to provide that the summons and petition must be served on the personal representative or the guardian ad litem (not both) of the deceased respondent.

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

2005 Wisconsin 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.

Fiscal Effect: None

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

 DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN

(Request Made By: FJK) (Date: 11/2/12)

Note:

BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)



Please transfer the drafting file for
2011 LRB 0558 (For: ~~Rep./Sen.~~ LRC)

to the drafting file for

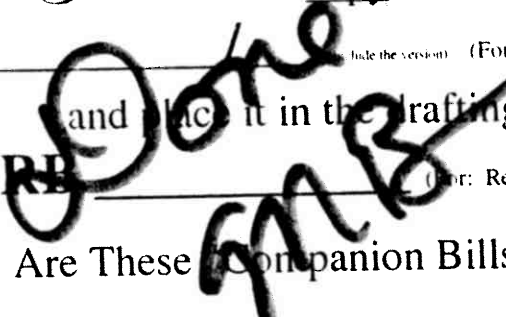
2013 LRB 0480 (For: ~~Rep./Sen.~~ LRC)

-----OR-----

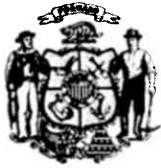
Please copy the drafting file for
2013 LRB (include the version) (For: Rep. / Sen. _____)

and place it in the drafting file for

2013 LRB (For: Rep. / Sen. _____)

 Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: _____



State of Wisconsin
2011-2012 LEGISLATURE
2013-2014



LRB-05601
PJK: [unclear]

0480/21

Leev
r m w d run

2013

~~2011~~ BILL

PWF

7/20

D-vote
(in 11-2)

and a reference to appointing a guardian ad litem for a minor who signs a statement acknowledging paternity

regenerate

- 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.

Insert A-1

1)

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:

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.

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).

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

(END)

13

Insert 2-13

D-note

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0480/ins
PJK:.....

INSERT A-1

WDF requires the court to appoint a guardian ad litem for a minor party who signed a statement acknowledging paternity in an action based on the statement and'
(END OF INSERT A-1)

INSERT A-2

WDF and 2) the statute that requires the court to appoint a guardian ad litem for a minor who signs a statement acknowledging paternity
(END OF INSERT A-2)

INSERT 2-13

1 ^s
2 **SECTION 1.** 767.805 (3) (b) of the statutes is amended to read:
3 767.805 (3) (b) Except as provided in s. 767.407, in an action specified in par.
4 (a) the court may appoint a guardian ad litem for the child ~~and shall appoint a~~
5 ~~guardian ad litem for a party who is a minor, unless the minor party is represented~~
 ~~by an attorney.~~

History: 1993 a. 481; 1995 a. 100; 1997 a. 191; 1999 a. 9; 2001 a. 16, 61; 2005 a. 304; 2005 a. 443 ss. 233, 242; Stats. 2005 s. 767.805.
(END OF INSERT 2-13)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0480/dn
PJK:l:....

PI
eev

date

I have added an amendment to s. 767.805 (3) (b) to this bill draft. Since a minor may not sign a statement acknowledging paternity, the court may not appoint a guardian ad litem for a minor party in an action based on a statement acknowledging paternity.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Q# Would you also like to repeal s. 69.15 (3m) (a) 4.?
Persons under age 18 could sign statements acknowledging paternity before January 1, 2007; however, ~~approximately~~ most likely ~~those~~ those who did have more than 60 days ~~to~~ also ~~who~~ who did have attained age 18.
have elapsed since

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

LRB-0480/P1dn
PJK:eev:rs

November 6, 2012

I have added an amendment to s. 767.805 (3) (b) to this bill draft. Since a minor may not sign a statement acknowledging paternity, the court may not appoint a guardian ad litem for a minor party in an action based on a statement acknowledging paternity.

Would you also like to repeal s. 69.15 (3m) (a) 4.? Persons under age 18 could sign statements acknowledging paternity before January 1, 2007; however, most likely more than 60 days have elapsed since all those who did have attained age 18.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

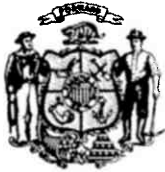
Kahler, Pam

From: Archer, Cynthia - DCF <Cynthia1.Archer@wisconsin.gov>
Sent: Tuesday, November 27, 2012 3:00 PM
To: Kahler, Pam
Cc: Lippert, MaryAnn - DCF; Keys, Randall L - DCF
Subject: Drafter's note for LRB 0480/P1dn remedial legislation for DCF

Per your question. Yes, we agree, it would make sense to repeal s. 69.15 (3m) (a) 4.

Thanks.

Cindy Archer



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0480/PA

PJK:eev:rs

stas

run is run

P2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

(w/ 11-27)

stas

regenerate ↓

1 **AN ACT to amend** 69.15 (3) (b) 3. and 767.805 (3) (b) of the statutes; **relating to:**

2 deleting a reference to minors acknowledging paternity and a reference to

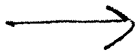
3 appointing a guardian ad litem for a minor who signs a statement

4 acknowledging paternity (suggested as remedial legislation by the Department

5 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, requires the court to appoint a guardian ad litem for a minor party who signed a statement acknowledging paternity in an action based on the statement and 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 1) the statutes related to requirements for when the state registrar may change facts on birth certificates, and 2) the statute that requires the court to appoint a guardian ad litem for a minor who signs a statement acknowledging paternity.



Insert A

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).

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

Insert 2-15

13 **SECTION 2.** 767.805 (3) (b) of the statutes is amended to read:

14 767.805 (3) (b) Except as provided in s. 767.407, in an action specified in par.

15 (a) the court may appoint a guardian ad litem for the child ~~and shall appoint a~~

1 ~~guardian ad litem for a party who is a minor, unless the minor party is represented~~
2 ~~by an attorney.~~

3 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0480/P2ins
PJK:eev:rs

INSERT A

^{not} the statute related to requirements for rescinding a statement acknowledging paternity that has been filed with the state registrar, and 3)

(END OF INSERT A)

INSERT 2-13

1 SECTION 1. 69.15^x (3m) (a) 3. of the statutes is amended to read:

2 69.15 (3m) (a) 3. ~~Except as provided in subd. 4, the~~ The person rescinding the
3 statement files the document under subd. 2. before the day on which a court or circuit
4 court commissioner makes an order in an action affecting the family involving the
5 man who signed the statement and the child who is the subject of the statement or
6 before 60 days elapse after the statement was filed, whichever occurs first.

7 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.

7 SECTION 2. 69.15 (3m) (a) 4. of the statutes is repealed.

8 SECTION 3. 69.15^x (3m) (b) of the statutes is amended to read:

9 69.15 (3m) (b) If the state registrar, within the time required under par. (a) 3.
10 or 4., whichever is appropriate, receives a document prescribed by the state registrar
11 for rescinding a statement acknowledging paternity under sub. (3) (b) 3., along with
12 the proper fee under s. 69.22, the state registrar shall prepare under sub. (6) a new
13 certificate omitting the father's name if it was inserted under sub. (3) (b).

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 OF INSERT 2-13)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0480/P2
PJK:eev:rs

Stays r m is run

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

(w/ 8-9)
needed
by 8-22

Paul

regn

1 **AN ACT** *to repeal* 69.15 (3m) (a) 4.; and *to amend* 69.15 (3) (b) 3., 69.15 (3m) (a)

2 3., 69.15 (3m) (b) and 767.805 (3) (b) of the statutes; **relating to:** deleting a

3 reference to minors acknowledging paternity and a reference to appointing a

4 guardian ad litem for a minor who signs a statement acknowledging paternity

5 (suggested as remedial legislation by the Department of Children and

6 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, requires the court to appoint a guardian ad litem for a minor party who signed a statement acknowledging paternity in an action based on the statement and 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 1) the statutes related to requirements for when the state registrar may change

facts on birth certificates, 2) the statute related to requirements for rescinding a statement acknowledging paternity that has been filed with the state registrar, and 3) the statute that requires the court to appoint a guardian ad litem for a minor who signs a statement acknowledging paternity.

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).

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

13 **SECTION 2.** 69.15 (3m) (a) 3. of the statutes is amended to read:

1

69.15 (3m) (a) 3. ~~Except as provided in subd. 4,~~ The person rescinding the statement files the document under subd. 2. before the day on which a court or circuit court commissioner makes an order in an action affecting the family involving the man who signed the statement and the child who is the subject of the statement or before 60 days elapse after the statement was filed, whichever occurs first.

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SECTION 3. 69.15 (3m) (a) 4. of the statutes is repealed.

7

SECTION 4. 69.15 (3m) (b) of the statutes is amended to read:

8

69.15 (3m) (b) If the state registrar, within the time required under par. (a) 3. ~~or 4., whichever is appropriate,~~ receives a document prescribed by the state registrar for rescinding a statement acknowledging paternity under sub. (3) (b) 3., along with the proper fee under s. 69.22, the state registrar shall prepare under sub. (6) a new certificate omitting the father's name if it was inserted under sub. (3) (b).

9
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12

Insert 3-12

13

SECTION 5. 767.805 (3) (b) of the statutes is amended to read:

14

767.805 (3) (b) Except as provided in s. 767.407, in an action specified in par. (a) the court may appoint a guardian ad litem for the child ~~and shall appoint a guardian ad litem for a party who is a minor, unless the minor party is represented by an attorney.~~

15
16
17

Insert 3-17

18

(END)

Kahler, Pam

From: Sappenfield, Anne
Sent: Friday, August 09, 2013 8:57 AM
To: Kahler, Pam
Subject: LRC draft notes

Hi Pam,

Could you insert notes into the following drafts? Then they can be /1s.

Insert 3-12

Insert 3-17

LRB—0480/P2 ^(CS)
After SECTION 4:

Note: SECTIONS 2 to 4 modify the statute relating to rescinding a statement acknowledging paternity so that it is consistent with current law, under which a minor father may not sign a statement acknowledging paternity.

F
F
** note: std*

After SECTION 5:

Note: Removes a reference to appointing a guardian ad litem for a minor party in an action to establish child custody and placement for a father who has acknowledged paternity because a minor may not acknowledge paternity under current law.

LRB—0481/P2
Add to the end of the note, "Also corrects a cross reference."

LRB—0484/P2
After SECTION 2:

Note: Provides that the Department of Children and Families or a county department or agency may determine for purposes of eligibility for a Wisconsin Shares child care subsidy that certain educational activities would facilitate the individual's efforts to maintain employment. This change reflects that, under current law, the department or a county department or agency with which the department contracts determines eligibility for the Wisconsin Shares child care subsidy program.

Let me know if you have any questions. The law revision committee is planning to meet on these drafts on September 5, and we will want to mail them to the member one week in advance.

Thanks!
Anne

Anne Sappenfield
Senior Staff Attorney
WI Legislative Council
(608) 267-9485



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0480/1
PJK:eev:ph

2013 BILL

1 **AN ACT to repeal** 69.15 (3m) (a) 4.; and **to amend** 69.15 (3) (b) 3., 69.15 (3m) (a)
2 3., 69.15 (3m) (b) and 767.805 (3) (b) of the statutes; **relating to:** deleting a
3 reference to minors acknowledging paternity and a reference to appointing a
4 guardian ad litem for a minor who signs a statement acknowledging paternity
5 (suggested as remedial legislation by the Department of Children and
6 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, requires the court to appoint a guardian ad litem for a minor party who signed a statement acknowledging paternity in an action based on the statement and 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 1) the statutes related to requirements for when the state registrar may change

BILL

facts on birth certificates, 2) the statute related to requirements for rescinding a statement acknowledging paternity that has been filed with the state registrar, and 3) the statute that requires the court to appoint a guardian ad litem for a minor who signs a statement acknowledging paternity.

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).

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

13 **SECTION 2.** 69.15 (3m) (a) 3. of the statutes is amended to read:

BILL

1 69.15 (3m) (a) 3. ~~Except as provided in subd. 4, the~~ The person rescinding the
2 statement files the document under subd. 2. before the day on which a court or circuit
3 court commissioner makes an order in an action affecting the family involving the
4 man who signed the statement and the child who is the subject of the statement or
5 before 60 days elapse after the statement was filed, whichever occurs first.

6 **SECTION 3.** 69.15 (3m) (a) 4. of the statutes is repealed.

7 **SECTION 4.** 69.15 (3m) (b) of the statutes is amended to read:

8 69.15 (3m) (b) If the state registrar, within the time required under par. (a) 3.
9 ~~or 4., whichever is appropriate,~~ receives a document prescribed by the state registrar
10 for rescinding a statement acknowledging paternity under sub. (3) (b) 3., along with
11 the proper fee under s. 69.22, the state registrar shall prepare under sub. (6) a new
12 certificate omitting the father's name if it was inserted under sub. (3) (b).

 ***NOTE: SECTIONS 2 and 4 modify the statute relating to rescinding a statement
acknowledging paternity so that it is consistent with current law, under which a minor
father may not sign a statement acknowledging paternity.

13 **SECTION 5.** 767.805 (3) (b) of the statutes is amended to read:

14 767.805 (3) (b) Except as provided in s. 767.407, in an action specified in par.
15 (a) the court may appoint a guardian ad litem for the child ~~and shall appoint a~~
16 ~~guardian ad litem for a party who is a minor, unless the minor party is represented~~
17 ~~by an attorney.~~

 ***NOTE: Removes a reference to appointing a guardian ad litem for a minor party
in an action to establish child custody and placement for a father who has acknowledged
paternity because a minor may not acknowledge paternity under current law.

18

(END)