




State of Wisconsin


LEGISLATIVE REFERENCE BUREAU



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


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


Appendix B 1


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:

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 11/2/2012	jdye 11/8/2012		_____			
/P1	pkahler 11/27/2012		jmurphy 11/8/2012	_____	lparisi 11/8/2012		
/P2	pkahler 8/9/2013	jdye 11/28/2012	rschluet 11/28/2012	_____	mbarman 11/28/2012		
/1		jdye	phenry	_____	sbasford		

LRB-0481

8/12/2013 8:18:26 AM

Page 2

<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	8/12/2013	_____	8/12/2013		

FE Sent For:

<END>

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/?	pkahler 11/2/2012	jdyer 11/8/2012	<i>[Signature]</i>	<i>[Signature]</i>			
/P1	pkahler 11/27/2012	<i>[Signature]</i> jdyer	jmurphy 11/8/2012	<i>[Signature]</i>	lparisi 11/8/2012		
/P2		jdyer 11/28/2012	rschluet 11/28/2012		mbarman 11/28/2012		

FE Sent For:

<END>

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/?	pkahler 11/2/2012	jdyer 11/8/2012		_____ _____			
/P1	P2 11/28 jld	jmurphy 11/8/2012		_____ _____	lparisi 11/8/2012		

FE Sent For:

<END>

Handwritten signature and initials
PKAH
11/8/12

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/?	pkahler	PI 11/8 JLD		H+Jm 11/8/12			

FE Sent For:

<END>

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

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

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

Note:

BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)



Please transfer the drafting file for
2011 LRB 0559 (For: ~~Rep.~~ Sen. LRC)

to the drafting file for

2013 LRB 0481 (For: ~~Rep.~~ Sen. LRC)

-----OR-----

Please copy the drafting file for
2013 LRB _____ / _____ (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: _____

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:

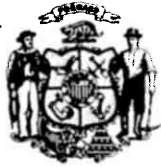
Amend s. 767.865 (1) to provide that the summons and petition must be served on the personal representative or the guardian ad litem (not both) of the deceased respondent.

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

LRB 11-0559/P1 and 11-0568/2 (2011 SB 460)



State of Wisconsin
2011-2012 LEGISLATURE
2013-2014



LRB-05694
PJK/dph

0481/p1

Keep
rw not run

2013
~~2011~~ BILL

D-note
(in 11-2)
PWF
Jan 11/12/12

rephrase ↓

X

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). ✓

plain
NOI

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. ✓

both ←

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.

✓
appointed

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).

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)

✓
as the case
may be,

→ deceased respondent's

D - note
↓

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

LRB-0481/PI
PJK:.....

date

JLD

I amended s. 767.865 (1) (a) [✓] somewhat differently from how it was amended in 2011 LRB-0559. In addition, the citation (in current law) to s. 767.813 (3) [✓] at the end of the paragraph does not make sense to me. Should that be a citation to s. 767.813 (4) instead?

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

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

LRB-0481/P1dn
PJK:jld:jm

November 8, 2012

I amended s. 767.865 (1) (a) somewhat differently from how it was amended in 2011 LRB-0559. In addition, the citation (in current law) to s. 767.813 (3) at the end of the paragraph does not make sense to me. Should that be a citation to s. 767.813 (4) instead?

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

Kähler, Pam

From: Archer, Cynthia - DCF <Cynthia1.Archer@wisconsin.gov>
Sent: Tuesday, November 27, 2012 2:52 PM
To: Kähler, Pam
Cc: Lippert, MaryAnn - DCF; Keys, Randall L - DCF
Subject: Drafter's note on LRB 0481/P1 remedial legislation for DCF

Your drafter's note is correct. The reference should be s. 767.813 (4), not (3).

Thanks.

Cindy Archer



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0481/PJ
PJK:jld:jm

rms:um

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*(= (1-27)
D-note*

4 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 both 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:

no 11
The bill also corrects an incorrect cross-reference to the provision relating to service of the summons and petition.

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:

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3 representative, a guardian ad litem appointed in accordance with par. (b) may
4 appear for a deceased respondent whenever an appearance by the respondent is
5 required. The summons and petition shall be served on the deceased respondent's
6 personal representative of and or guardian ad litem for the deceased respondent, as
7 the case may be, under s. 767.813 (3) → (4) ✓

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.

8

(END)

D-note

If this version of the draft corrects the final cross-reference in A. 767.865(1)(a).

PJK

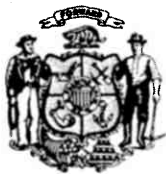
**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0481/P2dn
PJK:jld:jm

November 28, 2012

This version of the draft corrects the final cross-reference in s. 767.865 (1) (a).

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



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0481/P2
PJK:jld:rs

v m is run

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2013 BILL

*needed
by 8-22*

Regen

4

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 both 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. The bill also corrects an incorrect cross-reference to the provision relating to service of the summons and petition.

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:

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.

LRB—0480/P2

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.

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

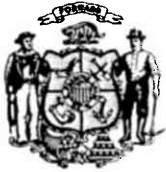
After SECTION 2:

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-0481/1
PJK:jld:ph

2013 BILL

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7 the case may be, under s. 767.813 ~~(3)~~ (4).

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. Also corrects a cross-reference.

8

(END)