

2017 DRAFTING REQUEST

Bill

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 Date: **3/1/2017** **swalkenh**
 Same as LRB: **-3620** May Contact:

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Pre Topic:

No specific pre topic given

Topic:

Making references in the statutes to a spouse gender neutral; recognizing same sex marriage and parentage

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	swalkenh 3/15/2017	anienaja 3/20/2017			
/P1	tdodge 5/10/2017	anienaja 5/10/2017	hkohn 3/20/2017		State S&L Tax Exempt
/1	ewheeler		mbarman	mbarman	State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	5/31/2017		5/10/2017	5/24/2017	S&L Tax Exempt
/2		anienaja 5/31/2017	lparisi 5/31/2017	lparisi 5/31/2017	State S&L Tax Exempt

FE Sent For:

<END>

at intro

STATE OF WISCONSIN – LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Rep. Spreitzer (Mark)

Please redraft
2015 AB 816



State of Wisconsin
2015 - 2016 LEGISLATURE

2353/P1

LRB-2532/2
PK/TD/SW/ES/MS:emw
EW

IN 3/15/17
Requested 3/20/17

2015 ASSEMBLY BILL 816

SA ✓
Xref ✓
Pwf ✓

January 27, 2016 - Introduced by Representatives SPREITZER, ZAMARRIPA, C. TAYLOR, BERCEAU, BILLINGS, BROSTOFF, CONSIDINE, DANOU, GENRICH, GOYKE, HEBL, HESSELBEIN, HINTZ, JOHNSON, JORGENSEN, KAHL, KOLSTÉ, MASON, OHNSTAD, POPE, RIEMER, SARGENT, SHANKLAND, SINICKI, SUBECK and ZEPNICK, cosponsored by Senators CARPENTER, HARRIS DODD, C. LARSON, MILLER, RINGHAND, RISSER, L. TAYLOR and VINEHOUT. Referred to Committee on Family Law.

Regen.

1 **AN ACT to repeal** 49.141 (1) (j) 2., 102.51 (1) (a) 2., 115.76 (12) (a) 2. and 115.76
2 (12) (a) 3.; **to renumber and amend** 891.40 (1) and 891.41 (1) (b); **to amend**
3 29.219 (4), 29.228 (5), 29.228 (6), 29.229 (2) (i), 29.2295 (2) (i), 29.563 (3) (a) 3.,
4 29.607 (3), 45.01 (6) (c), 45.51 (3) (c) 2., 45.51 (5) (a) 1. b., 45.51 (5) (a) 1. c., 45.55,
5 46.10 (2), 48.02 (13), 48.396 (2) (dm), 48.422 (7) (bm), 48.422 (7) (br), 48.432 (1)
6 (am) 2. b., 48.63 (3) (b) 4., 48.63 (3) (b) 5., 48.82 (1) (a), 48.837 (1r) (d), 48.837
7 (1r) (e), 48.837 (6) (b), 48.837 (6) (br), 48.913 (1) (a), 48.913 (1) (b), 48.913 (1) (h),
8 48.913 (2) (intro.), 48.913 (2) (b), 48.913 (2) (c) (intro.), 48.913 (3), 48.913 (4),
9 48.913 (7), 49.141 (1) (j) 1., 49.155 (1m) (c) 1g., 49.155 (1m) (c) 1h., 49.163 (2)
10 (am) 2., 49.19 (1) (a) 2. a., 49.19 (4) (d) (intro.), 49.19 (4) (d) 1., 49.19 (4) (d) 2.,
11 49.19 (4) (d) 3., 49.19 (4) (d) 4., 49.19 (4) (d) 5., 49.345 (2), 49.43 (12), 49.471 (1)
12 (b) 2., 49.90 (4), 54.01 (36) (a), 54.960 (1), 69.03 (15), 69.05 (3m) (intro.), (a) and
13 (b), 69.11 (4) (b), 69.12 (5), 69.13 (2) (b) 4., 69.14 (1) (c) 4., 69.14 (1) (e) (title) and
14 1., 69.14 (1) (f) 1., 69.14 (1) (g), 69.14 (2) (b) 2. d., 69.15 (1), 69.15 (3) (b) 3., 71.03

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1 (2) (d) (title), 71.03 (2) (d) 1., 71.03 (2) (d) 2., 71.03 (2) (d) 3., 71.03 (2) (g), 71.03
2 (2) (m) 2., 71.03 (4) (a), 71.05 (22) (a) (title), 71.07 (5m) (a) 3., 71.07 (9e) (b), 71.09
3 (13) (a) 2., 71.52 (4), 71.83 (1) (a) 8., 71.83 (1) (b) 5., 77.25 (8m), 77.54 (7) (b) 1.,
4 101.91 (5m), 102.07 (5) (b), 102.07 (5) (c), 102.51 (1) (a) 1., 103.10 (1) (h), 103.165
5 (3) (a) 3., 111.32 (12), 115.76 (12) (a) 1., 115.76 (13), 146.34 (1) (f), 157.05, 157.10,
6 182.004 (6), 250.04 (3) (a), 301.12 (2), 301.50 (1), 700.19 (2), 705.01 (4), 705.01
7 (4m), 706.09 (1) (e), 765.001 (2), 765.01, 765.03 (1), 765.16 (1m) (intro.), 765.16
8 (1m) (c), 765.23, 765.24, 765.30 (3) (a), 766.587 (7) (form) 9., 766.588 (9) (form)
9 13., 766.589 (10) (form) 14., 767.215 (2) (b), 767.215 (5) (a) 2., 767.323, 767.80
10 (1) (intro.), 767.80 (1) (c), 767.80 (2), 767.855, 767.863 (1m), 767.87 (1m) (intro.),
11 767.87 (8), 767.87 (9), 767.883 (1), 769.316 (9), 769.401 (2) (a), 769.401 (2) (g),
12 815.20 (1), 822.40 (4), 851.30 (2) (a), 852.01 (1) (f) 1., 852.01 (1) (f) 2., 852.01 (1)
13 (f) 3., 854.03 (3), 891.39 (title), 891.39 (1) (a), 891.39 (1) (b), 891.39 (3), 891.40
14 (2), 891.41 (title), 891.41 (1) (intro.), 891.41 (1) (a), 891.41 (2), 905.05 (title),
15 938.02 (13), 938.396 (2g) (g), 943.20 (2) (c), 943.201 (1) (b) 8. and 943.205 (2) (b);
16 and *to create* 69.15 (3) (b) 3m., 765.02 (3), 891.40 (1) (b), 891.40 (3), 891.41 (3),
17 990.01 (22m), 990.01 (39) and 990.01 (40m) of the statutes; **relating to:**
18 marriage between persons of the same sex and extending parentage rights to
19 married couples of the same sex.

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

This bill recognizes same-sex marriage by making references in the statutes to spouses gender neutral. The bill also recognizes legal parentage for same-sex couples under certain circumstances.

Same-sex marriage

This bill provides that marriage may be contracted between persons of the same sex and confers the same rights and responsibilities on married persons of the same

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sex that married persons of the opposite sex have under current law. The bill defines “spouse” as a person who is legally married to another person of the same or opposite sex and replaces every reference to “husband” or “wife” in current law with “spouse.” The bill makes applicable to married persons of the same sex all provisions under current law that apply to married persons of the opposite sex. These provisions relate to such diverse areas of the law as income tax, marital property, inheritance rights, divorce, child and spousal support, insurance coverage, family and spousal recreational licenses, consent to conduct an autopsy, domestic abuse, and eligibility for various types of benefits, such as retirement or death benefits and medical assistance.

Same-sex parents

In addition to making statutory references to spouses gender neutral, the bill specifies ways in which married couples of the same sex may be the legal parents of a child and, with some exceptions, makes current references in the statutes to “mother” and “father,” and related terms, gender neutral.

Under current law, all of the following may adopt a child: a husband and wife jointly, a husband or wife whose spouse is the parent of the child, and an unmarried adult. Because the bill makes references in the statutes to spouses gender neutral, same-sex spouses jointly may adopt a child and become the legal parents of the child, and a same-sex spouse of a person who is the parent of a minor child may adopt the child and become the legal parent of his or her spouse’s child.

Under current law, if a woman is artificially inseminated under the supervision of a physician with semen donated by a man who is not her husband and the husband consents in writing to the artificial insemination of his wife, the husband is the natural father of any child conceived. Under this bill, a same-sex spouse may also consent to the artificial insemination of her spouse with donated semen and is the natural parent of the child conceived. The artificial insemination is not required to take place under the supervision of a physician, but, if it does not, the semen used for the insemination must have been obtained from a sperm bank.

Under current law, there is a paternity presumption whereby a man is presumed to be the father of a child if he and the child’s natural mother 1) were married to each other when the child was conceived or born or 2) married each other after the child was born but had a relationship with each other when the child was conceived and no other man has been adjudicated to be the father or is presumed to be the father because the man was married to the mother when the child was conceived or born. The paternity presumption may be rebutted in a legal action or proceeding by the results of a genetic test showing that the statistical probability of another man’s parentage is 99.0 percent or higher. The bill expands this presumption into a parentage presumption, so that a person is presumed to be the natural parent of a child if he or she 1) was married to the child’s mother when the child was conceived or born or 2) married the child’s mother after the child was born but had a relationship with the mother when the child was conceived and no man has been adjudicated to be the father and no other person is presumed to be the child’s parent because he or she was married to the mother when the child was conceived or born. The parentage presumption may still be rebutted by the results of a genetic

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test showing that the statistical probability of another person's parentage is 99.0 percent or higher.

The bill does not change the paternity statutes or the statutes relating to statements acknowledging paternity or declarations of paternal interest with respect to their application only to a male who may be adjudicated to be the father of a child or who may sign a statement or declaration that he is the father of a child. Expanding on current law, however, the bill allows for a paternity action to be brought for the purpose of rebutting the parentage presumption, regardless of whether that presumption applies to a male or female spouse of the mother of the child.

The bill defines "natural parent" as a parent of a child who is not an adoptive parent, whether the parent is biologically related to the child or not. Thus, a person who is a biological parent, a parent by consenting to the artificial insemination of his or her spouse, or a parent under the parentage presumption is a natural parent of a child. The definition applies throughout the statutes wherever the term "natural parent" is used. In addition, the bill expands some references in the statutes to "biological parent" by changing the reference to "natural parent."

Birth certificates

Generally, the bill substitutes the term "spouse" for "husband" in the birth certificate statutes and enters the spouse, instead of the husband, of a birth mother on the birth certificate at times when a husband would currently be entered on a birth certificate. A birth mother's name is entered on a birth certificate when she gives birth to a child and current law specifies when the husband, father, or no additional name should be entered on the birth certificate. Current law requires that if a birth mother is married at any time from the conception to the birth of a child, then her husband's name is entered on the birth certificate as the legal father of the child. Under the bill, if a birth mother is married at any time from the conception to the birth of the child, then her spouse's name is entered as a legal parent of the child. The bill also specifies that, in the instance that a second parent's name is initially omitted from the birth certificate, if the state registrar receives a signed acknowledgement of parentage by people presumed to be parents because the two people married after the birth of the child, the two people had a relationship during the time the child was conceived, no man is adjudicated to be the father, and no other person is presumed to be the parent, then the state registrar must enter the name of the birth mother's spouse as a parent on the birth certificate.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

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. 29.219 (4) of the statutes is amended to read:

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1 ~~29.219 (4) HUSBAND-AND-WIFE~~ SPOUSES RESIDENT LICENSES. A combined husband
2 and wife spouses resident fishing license shall be issued subject to s. 29.024 by the
3 department to residents applying for this license. This license confers upon both
4 ~~husband and wife~~ spouses the privileges of resident fishing licenses.

5 ~~29.228 (5)~~ [✓] SECTION 2. 29.228 (5) of the statutes is amended to read:

6 ~~29.228 (5) ANNUAL FAMILY FISHING LICENSE.~~ The department shall issue a
7 nonresident annual family fishing license, subject to s. 29.024, to any nonresident
8 who applies for this license. This license entitles the ~~husband, wife~~ spouses and any
9 minor children to fish under this license.

10 ~~29.228 (6)~~ [✓] SECTION 3. 29.228 (6) of the statutes is amended to read:

11 ~~29.228 (6) FIFTEEN-DAY FAMILY FISHING LICENSE.~~ The department shall issue a
12 nonresident 15-day family fishing license, subject to s. 29.024, to any nonresident
13 who applies for this license. This license entitles the ~~husband, wife~~ spouses and any
14 minor children to fish under this license.

15 ~~29.229 (2) (i)~~ [✓] SECTION 4. 29.229 (2) (i) of the statutes is amended to read:

16 ~~29.229 (2) (i) Husband and wife~~ Spouses fishing licenses.

17 ~~29.2295 (2) (i)~~ [✓] SECTION 5. 29.2295 (2) (i) of the statutes is amended to read:

18 ~~29.2295 (2) (i) Husband and wife~~ Spouses fishing licenses.

19 ~~29.563 (3) (a) 3.~~ [✓] SECTION 6. 29.563 (3) (a) 3. of the statutes is amended to read:

20 ~~29.563 (3) (a) 3,~~ Husband and wife Spouses: \$30.25.

21 ~~29.607 (3)~~ SECTION 7. 29.607 (3) of the statutes is amended to read:

22 ~~29.607 (3) LICENSE REQUIRED; EXCEPTIONS; WILD RICE IDENTIFICATION CARD.~~ Every
23 person over the age of 16 and under the age of 65 shall obtain the appropriate wild
24 rice license to harvest or deal in wild rice but no license to harvest is required of the
25 members of the immediate family of a licensee or of a recipient of old-age assistance

ASSEMBLY BILL 816**SECTION 7**

1 or members of their immediate families. The department, subject to s. 29.024 (2g)
2 and (2r), shall issue a wild rice identification card to each member of a licensee's
3 immediate family, to a recipient of old-age assistance and to each member of the
4 recipient's family. The term "immediate family" includes ~~husband and wife~~ spouses
5 and minor children having their abode and domicile with the parent or legal
6 guardian.

7 **SECTION 8.** 45.01 (6) (c) of the statutes is amended to read:

8 ~~×~~45.01 (6) (c) The ~~biological~~ natural or adoptive parent or a person who acts in
9 the place of a parent and who has so acted for not less than 12 months prior to the
10 veteran's entrance into active service.

11 **SECTION 9.** 45.51 (3) (c) 2. of the statutes is amended to read:

12 ~~×~~45.51 (3) (c) 2. The department may deviate from this sequence upon order of
13 the board to prevent the separation of ~~a husband and wife~~ spouses.

14 **SECTION 10.** 45.51 (5) (a) 1. b. of the statutes is amended to read:

15 ~~×~~45.51 (5) (a) 1. b. Was married to the person under sub. (2) (a) 1. or 2. at the time
16 the person entered the service and who became a ~~widow or widower~~ surviving spouse
17 by the death of the person while in the service or as a result of physical disability of
18 the person incurred during the service.

19 **SECTION 11.** 45.51 (5) (a) 1. c. of the statutes is amended to read:

20 ~~×~~45.51 (5) (a) 1. c. The period during which the surviving spouse was married
21 to and lived with the deceased person under sub. (2) (a) 1. or 2. plus the period of
22 ~~widowhood or widowerhood~~ after the death of the deceased person is 6 months or
23 more.

24 **SECTION 12.** 45.55 of the statutes is amended to read:

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1 ~~45.55~~ **Notes and mortgages of minor veterans.** Notwithstanding any
2 provision of this chapter or any other law to the contrary, any minor who served in
3 the active armed forces of the United States at any time after August 27, 1940, and
4 the ~~husband or wife~~ spouse of such a minor may execute, in his or her own right, notes
5 or mortgages, as defined in s. 851.15, the payment of which is guaranteed or insured
6 by the U.S. department of veterans affairs or the federal housing administrator
7 under the servicemen's readjustment act of 1944, the national housing act, or any
8 acts supplementing or amending these acts. In connection with these transactions,
9 the minors may sell, release, or convey the mortgaged property and litigate or settle
10 controversies arising therefrom, including the execution of releases, deeds, and other
11 necessary papers or instruments. The notes, mortgages, releases, deeds, and other
12 necessary papers or instruments when so executed are not subject to avoidance by
13 the minor or the ~~husband or wife~~ spouse of the minor upon either or both of them
14 attaining the age of 18 because of the minority of either or both of them at the time
15 of the execution thereof.

16 **SECTION 13.** 46.10 (2) of the statutes is amended to read:

17 ~~46.10~~ **(2)** Except as provided in subs. (2m) and (14) (b) and (c), any person,
18 including but not limited to a person admitted, committed, protected, or placed under
19 s. 975.01, 1977 stats., s. 975.02, 1977 stats., s. 975.17, 1977 stats., s. 55.05 (5), 2003
20 stats., and 55.06, 2003 stats., and ss. 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5),
21 51.45 (10), (11), (12) and (13), 55.05, 55.055, 55.12, 55.13, 55.135, 971.14 (2) and (5),
22 971.17 (1), 975.06 and 980.06, receiving care, maintenance, services, and supplies
23 provided by any institution in this state including University of Wisconsin Hospitals
24 and Clinics, in which the state is chargeable with all or part of the person's care,
25 maintenance, services, and supplies, any person receiving care and services from a

ASSEMBLY BILL 816**SECTION 13**

1 county department established under s. 51.42 or 51.437 or from a facility established
2 under s. 49.73, and any person receiving treatment and services from a public or
3 private agency under s. 980.06 (2) (c), 1997 stats., s. 980.08 (5), 2003 stats., or s.
4 971.17 (3) (d) or (4) (e) or 980.08 (4) (g) and the person's property and estate, including
5 the homestead, and the spouse of the person, and the spouse's property and estate,
6 including the homestead, and, in the case of a minor child, the parents of the person,
7 and their property and estates, including their homestead, and, in the case of a
8 foreign child described in s. 48.839 (1) who became dependent on public funds for his
9 or her primary support before an order granting his or her adoption, the resident of
10 this state appointed guardian of the child by a foreign court who brought the child
11 into this state for the purpose of adoption, and his or her property and estate,
12 including his or her homestead, shall be liable for the cost of the care, maintenance,
13 services, and supplies in accordance with the fee schedule established by the
14 department under s. 46.03 (18). If a spouse, ~~widow~~ surviving spouse, or minor, or an
15 incapacitated person may be lawfully dependent upon the property for their support,
16 the court shall release all or such part of the property and estate from the charges
17 that may be necessary to provide for those persons. The department shall make
18 every reasonable effort to notify the liable persons as soon as possible after the
19 beginning of the maintenance, but the notice or the receipt thereof is not a condition
20 of liability.

21 **SECTION 14.** 48.02 (13) of the statutes is amended to read:

22 ~~48.02 (13)~~ "Parent" means a biological natural parent, ~~a husband who has~~
23 ~~consented to the artificial insemination of his wife under s. 891.40,~~ or a parent by
24 adoption. If the child is a nonmarital child who is not adopted or whose parents do
25 not subsequently intermarry under s. 767.803, "parent" includes a person

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1 acknowledged under s. 767.805 or a substantially similar law of another state or
2 adjudicated to be the biological father. “Parent” does not include any person whose
3 parental rights have been terminated. For purposes of the application of s. 48.028
4 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, “parent” means a
5 ~~biological~~ natural parent of an Indian child, an Indian ~~husband~~ spouse who has
6 consented to the artificial insemination of his wife or her spouse under s. 891.40, or
7 an Indian person who has lawfully adopted an Indian child, including an adoption
8 under tribal law or custom, and includes, in the case of a nonmarital Indian child who
9 is not adopted or whose parents do not subsequently intermarry under s. 767.803,
10 a person acknowledged under s. 767.805, a substantially similar law of another state,
11 or tribal law or custom to be the biological father or a person adjudicated to be the
12 biological father, but does not include any person whose parental rights have been
13 terminated.

14 **SECTION 15.** 48.396 (2) (dm) of the statutes is amended to read:

15 ~~X~~48.396 (2) (dm) Upon request of a court having jurisdiction over actions
16 affecting the family, an attorney responsible for support enforcement under s. 59.53
17 (6) (a) or a party to a paternity proceeding under subch. IX of ch. 767, the party’s
18 attorney or the guardian ad litem for the child who is the subject of that proceeding
19 to review or be provided with information from the records of the court assigned to
20 exercise jurisdiction under this chapter and ch. 938 relating to the paternity of a child
21 for the purpose of determining the paternity of the child or for the purpose of
22 rebutting the presumption of paternity under s. 891.405 or the presumption of
23 parentage under s. 891.41 (1), the court assigned to exercise jurisdiction under this
24 chapter and ch. 938 shall open for inspection by the requester its records relating to
25 the paternity of the child or disclose to the requester those records.

ASSEMBLY BILL 816**SECTION 16**

1 **SECTION 16.** 48.422 (7) (bm) of the statutes is amended to read:

2 ~~✕~~48.422 (7) (bm) Establish whether a proposed adoptive parent of the child has
3 been identified. If a proposed adoptive parent of the child has been identified and
4 the proposed adoptive parent is not a relative of the child, the court shall order the
5 petitioner to submit a report to the court containing the information specified in s.
6 48.913 (7). The court shall review the report to determine whether any payments or
7 agreement to make payments set forth in the report are coercive to the birth parent
8 of the child or to an alleged ~~to~~ or presumed father of the child or are impermissible
9 under s. 48.913 (4). Making any payment to or on behalf of the any birth parent of
10 ~~the child, an, alleged father, or presumed father parent~~ of the child or the child
11 conditional in any part upon transfer or surrender of the child or the termination of
12 parental rights or the finalization of the adoption creates a rebuttable presumption
13 of coercion. Upon a finding of coercion, the court shall dismiss the petition or amend
14 the agreement to delete any coercive conditions, if the parties agree to the
15 amendment. Upon a finding that payments which that are impermissible under s.
16 48.913 (4) have been made, the court may dismiss the petition and may refer the
17 matter to the district attorney for prosecution under s. 948.24 (1). This paragraph
18 does not apply if the petition was filed with a petition for adoptive placement under
19 s. 48.837 (2).

20 **SECTION 17.** 48.422 (7) (br) of the statutes is amended to read:

21 ~~✕~~48.422 (7) (br) Establish whether any person has coerced a birth parent ~~or any,~~
22 alleged father, or presumed father parent of the child in violation of s. 48.63 (3) (b)
23 5. Upon a finding of coercion, the court shall dismiss the petition.

24 **SECTION 18.** 48.432 (1) (am) 2. b. of the statutes is amended to read:

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1 ~~48.432 (1) (am) 2. b.~~ If there is no adjudicated father, the ~~husband~~ spouse of the
2 mother at the time the individual or adoptee is conceived or born, or when the parents
3 intermarry under s. 767.803.

4 **SECTION 19.** ~~48.63 (3) (b) 4.~~ of the statutes is amended to read:

5 ~~48.63 (3) (b) 4.~~ Before a child may be placed under subd. 1., the department,
6 county department, or child welfare agency making the placement and the proposed
7 adoptive parent or parents shall enter into a written agreement that specifies who
8 is financially responsible for the cost of providing care for the child prior to the
9 finalization of the adoption and for the cost of returning the child to the parent who
10 has custody of the child if the adoption is not finalized. Under the agreement, the
11 department, county department, or child welfare agency or the proposed adoptive
12 parent or parents, but not the any birth parent of the child or any, alleged father, or
13 presumed father parent of the child, shall be financially responsible for those costs.

14 **SECTION 20.** ~~48.63 (3) (b) 5.~~ of the statutes is amended to read:

15 ~~48.63 (3) (b) 5.~~ Prior to termination of parental rights to the child, no person
16 may coerce a birth parent of the child or any, alleged father, or presumed father
17 parent of the child into refraining from exercising his or her right to withdraw
18 consent to the transfer or surrender of the child or to termination of his or her
19 parental rights to the child, to have reasonable visitation or contact with the child,
20 or to otherwise exercise his or her parental rights to the child.

21 **SECTION 21.** ~~48.82 (1) (a)~~ of the statutes is amended to read:

22 ~~48.82 (1) (a) -A husband and wife~~ Spouses jointly, or either the husband or wife
23 if the other spouse is of a parent of the minor.

24 **SECTION 22.** ~~48.837 (1r) (d)~~ of the statutes is amended to read:

ASSEMBLY BILL 816**SECTION 22**

1 ×48.837 (1r) (d) Before a child may be placed under par. (a), the department,
2 county department, or child welfare agency making the placement and the proposed
3 adoptive parent or parents shall enter into a written agreement that specifies who
4 is financially responsible for the cost of providing care for the child prior to the
5 finalization of the adoption and for the cost of returning the child to the parent who
6 has custody of the child if the adoption is not finalized. Under the agreement, the
7 department, county department, or child welfare agency or the proposed adoptive
8 parent or parents, but not ~~the any birth parent of the child or any, alleged father, or~~
9 ~~presumed father~~ parent of the child, shall be financially responsible for those costs.

10 **SECTION 23.** 48.837 (1r) (e) of the statutes is amended to read:

11 ×48.837 (1r) (e) Prior to termination of parental rights to the child, no person
12 may coerce a birth parent ~~of the child or any, alleged father, or presumed father~~
13 ~~parent~~ of the child into refraining from exercising his or her right to withdraw
14 consent to the transfer or surrender of the child or to termination of his or her
15 parental rights to the child, to have reasonable visitation or contact with the child,
16 or to otherwise exercise his or her parental rights to the child.

17 **SECTION 24.** 48.837 (6) (b) of the statutes is amended to read:

18 ×48.837 (6) (b) At the beginning of the hearing held under sub. (2), the court shall
19 review the report that is submitted under s. 48.913 (6). The court shall determine
20 whether any payments or the conditions specified in any agreement to make
21 payments are coercive to ~~the any birth parent of the child or to an, alleged father, or~~
22 ~~presumed father~~ parent of the child or are impermissible under s. 48.913 (4). Making
23 any payment to or on behalf of ~~the a birth parent of the child, an, alleged father, or~~
24 ~~presumed father~~ parent of the child or the child conditional in any part upon transfer
25 or surrender of the child or the termination of parental rights or the finalization of

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1 the adoption creates a rebuttable presumption of coercion. Upon a finding of
2 coercion, the court shall dismiss the petitions under subs. (2) and (3) or amend the
3 agreement to delete any coercive conditions, if the parties agree to the amendment.
4 Upon a finding that payments ~~which~~ that are impermissible under s. 48.913 (4) have
5 been made, the court may dismiss the petition and may refer the matter to the
6 district attorney for prosecution under s. 948.24 (1).

7 **SECTION 25.** 48.837 (6) (br) of the statutes is amended to read:

8 ~~48.837 (6) (br)~~ At the hearing on the petition under sub. (2), the court shall
9 determine whether any person has coerced a birth parent ~~or any, alleged father,~~ or
10 presumed ~~father~~ parent of the child in violation of sub. (1r) (e). Upon a finding of
11 coercion, the court shall dismiss the petitions under subs. (2) and (3).

12 **SECTION 26.** 48.913 (1) (a) of the statutes is amended to read:

13 ~~48.913 (1) (a)~~ Preadoptive counseling for a birth parent ~~of the child or an,~~
14 alleged father, or presumed ~~father~~ parent of the child.

15 **SECTION 27.** 48.913 (1) (b) of the statutes is amended to read:

16 ~~48.913 (1) (b)~~ Post-adoptive counseling for a birth parent ~~of the child or an,~~
17 alleged father, or presumed ~~father~~ parent of the child.

18 **SECTION 28.** 48.913 (1) (h) of the statutes is amended to read:

19 ~~48.913 (1) (h)~~ Legal and other services received by a birth parent ~~of the child,~~
20 ~~an,~~ alleged father, or presumed ~~father~~ parent of the child or the child in connection
21 with the adoption.

22 **SECTION 29.** 48.913 (2) (intro.) of the statutes is amended to read:

23 ~~48.913 (2)~~ PAYMENT OF EXPENSES WHEN BIRTH PARENT IS RESIDING IN ANOTHER
24 STATE. (intro.) Notwithstanding sub. (1), the proposed adoptive parents of a child or
25 a person acting on behalf of the proposed adoptive parents of a child may pay for an

ASSEMBLY BILL 816**SECTION 29**

1 expense of a birth parent ~~of the child or an~~, alleged father, or presumed father parent
2 of the child if the birth parent ~~or the~~, alleged father, or presumed father parent was
3 residing in another state when the payment was made and when the expense was
4 incurred and if all of the following apply:

5 **SECTION 30.** 48.913 (2) (b) of the statutes is amended to read:

6 ~~48.913 (2) (b)~~ The state in which the birth parent ~~or the~~, alleged father, or
7 presumed father parent was residing when the payment was made permits the
8 payment of that expense by the proposed adoptive parents of the child.

9 **SECTION 31.** 48.913 (2) (c) (intro.) of the statutes is amended to read:

10 ~~48.913 (2) (c) (intro.)~~ A listing of all payments made under this subsection, a
11 copy of the statutory provisions of the state in which the birth parent ~~or the~~, alleged
12 father, or presumed father parent was residing when the payments were made that
13 permit those payments to be made by the proposed adoptive parents of the child, and
14 a copy of all orders entered in the state in which the birth parent ~~or the~~, alleged
15 father, or presumed father parent was residing when the payments were made that
16 relate to the payment of expenses of the birth parent ~~or the~~, alleged father, or
17 presumed father parent by the proposed adoptive parents of the child is submitted
18 to the court as follows:

19 **SECTION 32.** 48.913 (3) of the statutes is amended to read:

20 ~~48.913 (3) METHOD OF PAYMENT.~~ Any payment under sub. (1) or (2) shall be made
21 directly to the provider of a good or service except that a payment under sub. (1) or
22 (2) may be made to a birth parent ~~of the child or to an~~, alleged father, or presumed
23 father parent of the child as reimbursement of an amount previously paid by the
24 birth parent ~~or by the~~, alleged father, or presumed father parent if documentation

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1 is provided showing that the birth parent ~~or~~, alleged father, or presumed father
2 parent has made the previous payment.

3 **SECTION 33.** 48.913 (4) of the statutes is amended to read:

4 ~~48.913 (4) OTHER PAYMENTS PROHIBITED.~~ The proposed adoptive parents of a
5 child or a person acting on behalf of the proposed adoptive parents may not make any
6 payments to or on behalf of a birth parent ~~of the child, an~~, alleged father, or presumed
7 father parent of the child or the child except as provided in subs. (1) and (2).

8 **SECTION 34.** 48.913 (7) of the statutes is amended to read:

9 ~~48.913 (7) REPORT TO THE COURT; CONTENTS REQUIRED.~~ The report required under
10 sub. (6) shall include a list of all transfers of anything of value made or agreed to be
11 made by the proposed adoptive parents or by a person acting on their behalf to a birth
12 parent ~~of the child, an~~, alleged father, or presumed father parent of the child or the
13 child, on behalf of a birth parent ~~of the child, an~~, alleged father, or presumed father
14 parent of the child or the child, or to any other person in connection with the
15 pregnancy, the birth of the child, the placement of the child with the proposed
16 adoptive parents, or the adoption of the child by the proposed adoptive parents. The
17 report shall be itemized and shall show the goods or services for which payment was
18 made or agreed to be made. The report shall include the dates of each payment, the
19 names and addresses of each attorney, doctor, hospital, agency, or other person or
20 organization receiving any payment from the proposed adoptive parents or a person
21 acting on behalf of the proposed adoptive parents in connection with the pregnancy,
22 the birth of the child, the placement of the child with the proposed adoptive parents,
23 or the adoption of the child by the proposed adoptive parents.

24 **SECTION 35.** 49.141 (1) (j) 1. of the statutes is amended to read:

25 ~~49.141 (1) (j) 1.~~ A biological natural parent.

ASSEMBLY BILL 816**SECTION 36**

1 **SECTION 36.** 49.141 (1) (j) 2. of the statutes is repealed.

2 **SECTION 37.** 49.155 (1m) (c) 1g. of the statutes is amended to read:

3 ~~49.155 (1m)~~ (c) 1g. If the individual is a foster parent of the child or a subsidized
4 guardian or interim caretaker of the child under s. 48.623, the child's biological
5 natural or adoptive family has a gross income that is at or below ~~200%~~ 200 percent
6 of the poverty line. In calculating the gross income of the child's biological natural
7 or adoptive family, the department or county department or agency determining
8 eligibility shall include court-ordered child or family support payments received by
9 the individual, if those support payments exceed \$1,250 per month, and income
10 described under s. 49.145 (3) (b) 1. and 3.

11 **SECTION 38.** 49.155 (1m) (c) 1h. of the statutes is amended to read:

12 ~~49.155 (1m)~~ (c) 1h. If the individual is a relative of the child, is providing care
13 for the child under a court order, and is receiving payments under s. 48.57 (3m) or
14 (3n) on behalf of the child, the child's biological natural or adoptive family has a gross
15 income that is at or below ~~200%~~ 200 percent of the poverty line. In calculating the
16 gross income of the child's biological natural or adoptive family, the department or
17 county department or agency determining eligibility shall include court-ordered
18 child or family support payments received by the individual, if those support
19 payments exceed \$1,250 per month, and income described under s. 49.145 (3) (b) 1.
20 and 3.

21 **SECTION 39.** 49.163 (2) (am) 2. of the statutes is amended to read:

22 ~~49.163 (2)~~ (am) 2. If over 24 years of age, be a biological natural or adoptive
23 parent of a child under 18 years of age whose parental rights to the child have not
24 been terminated or be a relative and primary caregiver of a child under 18 years of
25 age.

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1 **SECTION 40.** 49.19[✓] (1) (a) 2. a. of the statutes is amended to read:

2 ~~×~~ 49.19 (1) (a) 2. a. Is living with a parent; a blood relative, including those of
3 half-blood, and including first cousins, nephews or nieces and persons of preceding
4 generations as denoted by prefixes of grand, great or great-great; a ~~stepfather,~~
5 ~~stepmother~~ stepparent, stepbrother, or stepsister; a person who legally adopts the
6 child or is the adoptive parent of the child's parent, a natural or legally adopted child
7 of such person or a relative of an adoptive parent; or a spouse of any person named
8 in this ~~subparagraph~~ ^{subd. 2.a.} even if the marriage is terminated by death or divorce; and is
9 living in a residence maintained by one or more of these relatives as the child's or
10 their own home, or living in a residence maintained by one or more of these relatives
11 as the child's or their own home because the parents of the child have been found
12 unfit to have care and custody of the child; or

13 **SECTION 41.** 49.19[✓] (4) (d) (intro.) of the statutes is amended to read:

14 ~~×~~ 49.19 (4) (d) (intro.) Aid may be granted to the ~~mother or stepmother~~ parent
15 or stepparent of a dependent child if he or she is without a husband spouse or if he
16 or she:

17 **SECTION 42.** 49.19 (4) (d) 1. of the statutes is amended to read:

18 ~~×~~ 49.19 (4) (d) 1. Is the ~~wife~~ spouse of a ~~husband~~ person who is incapacitated for
19 gainful work by mental or physical disability; or

20 **SECTION 43.** 49.19[✓] (4) (d) 2. of the statutes is amended to read:

21 ~~×~~ 49.19 (4) (d) 2. Is the ~~wife~~ spouse of a ~~husband~~ person who is incarcerated or
22 who is a convicted offender permitted to live at home but precluded from earning a
23 wage because the ~~husband~~ person is required by a court imposed sentence to perform
24 unpaid public work or unpaid community service; or

25 **SECTION 44.** 49.19[✓] (4) (d) 3. of the statutes is amended to read:

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1 ~~49.19 (4) (d) 3.~~ Is the wife spouse of a husband person who has been committed
2 to the department pursuant to ch. 975, irrespective of the probable period of such
3 commitment; or

4 **SECTION 45.** 49.19 (4) (d) 4. of the statutes is amended to read:

5 ~~49.19 (4) (d) 4.~~ Is the wife spouse of a husband person who has continuously
6 abandoned or failed to support him or her, if proceedings have been commenced
7 against the husband person under ch. 769; or

8 **SECTION 46.** 49.19 (4) (d) 5. of the statutes is amended to read:

9 ~~49.19 (4) (d) 5.~~ Has been divorced and is without a husband spouse or legally
10 separated from his or her husband spouse and is unable through use of the provisions
11 of law to compel his or her former husband spouse to adequately support the child
12 for whom aid is sought; or

13 **SECTION 47.** 49.345 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
14 is amended to read:

15 ~~49.345 (2)~~ Except as provided in sub. (14) (b) and (c), any person, including a
16 person placed under s. 48.32 (1) (am) or (b), 48.345 (3), 48.357 (1) or (2m), 938.183, 938.34 (3) or (4d), or
17 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance, services, and supplies
18 provided by any institution in this state, in which the state is chargeable with all or
19 part of the person's care, maintenance, services, and supplies, and the person's
20 property and estate, including the homestead, and the spouse of the person, and the
21 spouse's property and estate, including the homestead, and, in the case of a minor
22 child, the parents of the person, and their property and estates, including their
23 homestead, and, in the case of a foreign child described in s. 48.839 (1) who became
24 dependent on public funds for his or her primary support before an order granting
25 his or her adoption, the resident of this state appointed guardian of the child by a

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1 foreign court who brought the child into this state for the purpose of adoption, and
2 his or her property and estate, including his or her homestead, shall be liable for the
3 cost of the care, maintenance, services, and supplies in accordance with the fee
4 schedule established by the department under s. 49.32 (1). If a spouse, widow
5 surviving spouse, or minor, or an incapacitated person may be lawfully dependent
6 upon the property for his or her support, the court shall release all or such part of the
7 property and estate from the charges that may be necessary to provide for the person.
8 The department shall make every reasonable effort to notify the liable persons as
9 soon as possible after the beginning of the maintenance, but the notice or the receipt
10 of the notice is not a condition of liability.

11 **SECTION 48.** 49.43 (12) of the statutes is amended to read:

12 ~~49.43 (12)~~ “Spouse” means the legal husband or wife of person to whom the
13 beneficiary is legally married, whether or not the person is eligible for medical
14 assistance.

15 **SECTION 49.** 49.471 (1) (b) 2. of the statutes is amended to read:

16 ~~49.471 (1) (b) 2.~~ ~~A stepfather, stepmother~~ stepparent, stepbrother, or stepsister.

17 **SECTION 50.** 49.90 (4) of the statutes is amended to read:

18 ~~49.90 (4)~~ The circuit court shall in a summary way hear the allegations and
19 proofs of the parties and by order require maintenance from these relatives, if they
20 have sufficient ability, considering their own future maintenance and making
21 reasonable allowance for the protection of the property and investments from which
22 they derive their living and their care and protection in old age, in the following
23 order: First the ~~husband or wife~~ spouse; then the ~~father and the mother~~ parents; and
24 then the grandparents in the instances in which sub. (1) (a) 2. applies. The order
25 shall specify a sum ~~which~~ ^{that} will be sufficient for the support of the dependent person

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1 under sub. (1) (a) 1. or the maintenance of a child of a dependent person under sub.
2 (1) (a) 2., to be paid weekly or monthly, during a period fixed by the order or until the
3 further order of the court. If the court is satisfied that any such relative is unable
4 wholly to maintain the dependent person or the child, but is able to contribute to the
5 person's support or the child's maintenance, the court may direct 2 or more of the
6 relatives to maintain the person or the child and prescribe the proportion each shall
7 contribute. If the court is satisfied that these relatives are unable together wholly
8 to maintain the dependent person or the child, but are able to contribute to the
9 person's support or the child's maintenance, the court shall direct a sum to be paid
10 weekly or monthly by each relative in proportion to ability. Contributions directed
11 by court order, if for less than full support, shall be paid to the department of health
12 services or the department of children and families, whichever is appropriate, and
13 distributed as required by state and federal law. An order under this subsection that
14 relates to maintenance required under sub. (1) (a) 2. shall specifically assign
15 responsibility for and direct the manner of payment of the child's health care
16 expenses, subject to the limitations under subs. (1) (a) 2. and (11). Upon application
17 of any party affected by the order and upon like notice and procedure, the court may
18 modify such an order. Obedience to such an order may be enforced by proceedings
19 for contempt.

20 **SECTION 51.** 54.01 (36) (a) of the statutes is amended to read:

21 ~~54.01~~ **(36)** (a) An individual who obtains or consents to a final decree or
22 judgment of divorce from the decedent or an annulment of their marriage, if the
23 decree or judgment is not recognized as valid in this state, unless the 2 subsequently
24 participated in a marriage ceremony purporting to marry each other or they
25 subsequently held themselves out as ~~husband and wife~~ married to each other.

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1 **SECTION 52.** 54.960 (1) of the statutes is amended to read:

2 ~~54.960 (1)~~ Beneficial interests in a custodial trust created for multiple
3 beneficiaries are deemed to be separate custodial trusts of equal undivided interests
4 for each beneficiary. Except in a transfer or declaration for use and benefit of
5 ~~husband and wife~~ 2 individuals who are married to each other, for whom
6 survivorship is presumed, a right of survivorship does not exist unless the
7 instrument creating the custodial trust specifically provides for survivorship or
8 survivorship is required as to marital property.

9 **SECTION 53.** 69.03 (15) of the statutes is amended to read:

10 ~~69.03 (15)~~ Periodically provide to each county child support agency under s.
11 59.53 (5) a list of names and, notwithstanding s. 69.20 (2) (a), addresses of registrants
12 who reside in that county for whom ~~no father's name~~ only one parent's name has been
13 inserted on the registrant's birth certificate within 6 months of birth.

14 **SECTION 54.** 69.05 (3m) (intro.), (a) and (b) of the statutes are amended to read:

15 ~~69.05 (3m)~~ (intro.) If ~~the mother~~ a parent of a registrant of a birth certificate
16 resides in a city and the birth certificate is not filed in such city, send a copy of the
17 birth certificate to the local health department with jurisdiction for the city if all of
18 the following are true:

19 (a) The local health department has a maternal-child visitation or information
20 program;

21 (b) The local health department has requested the copy and notified the state
22 registrar of its request; and

23 **SECTION 55.** 69.11 (4) (b) of the statutes is amended to read:

24 ~~69.11 (4)~~ (b) The state registrar may amend an item on a birth certificate that
25 affects information about the name, sex, date of birth, place of birth, parent's name,

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1 or marital status of ~~the mother~~ if 365 days have elapsed since the occurrence of the
2 event that is the subject of the birth certificate, if the amendment is at the request
3 of a person with a direct and tangible interest in the record and is on a request form
4 supplied by the state registrar, and if the amendment is accompanied by 2 items of
5 documentary evidence from early childhood that are sufficient to prove that the item
6 to be changed is in error and by the affidavit of the person requesting the
7 amendment. A change in the marital status on the birth certificate may be made
8 under this paragraph only if the marital status is inconsistent with information
9 concerning the father or husband spouse that appears on the birth certificate. This
10 paragraph may not be used to add to or delete from a birth certificate the name of a
11 parent, to change the identity of a parent named on the birth certificate, or to effect
12 a name change prohibited under s. 301.47.

13 **SECTION 56.** 69.12 (5) of the statutes is amended to read:

14 ~~69.12 (5)~~ A change in the marital status on the certificate of birth may be
15 requested under this section only if the marital status is inconsistent with father or
16 husband spouse information appearing on the certificate of birth. This section may
17 not be used to add or delete the name of a parent on the certificate of birth or change
18 the identity of either parent named on the certificate of birth.

19 **SECTION 57.** 69.13 (2) (b) 4. of the statutes is amended to read:

20 ~~69.13 (2) (b) 4.~~ If relevant to the correction sought, a certified copy of a marriage
21 document, a certified copy of a certificate of divorce or annulment or a final divorce
22 decree that indicates that the mother was not married to the person listed as her
23 husband spouse at any time during the pregnancy, a legal name change order, or any
24 other legal document that clarifies the disputed information.

25 **SECTION 58.** 69.14 (1) (c) 4. of the statutes is amended to read:

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1 × 69.14 (1) (c) 4. In the absence of a person under subds. 1. to 3., the father or
2 mother, father, or mother's spouse, or in the absence of the father or the mother's
3 spouse and the inability of the mother, the person responsible for the premises where
4 the birth occurs.

5 SECTION 59. 69.14 (1) (e) (title) and 1. of the statutes are amended to read:

6 × 69.14 (1) (e) (title) *Father's Spouse's or father's name*. 1. If Except as provided
7 in par. (h), if the mother of a registrant under this section was married at any time
8 from the conception to the birth of the registrant, the name of the husband spouse
9 of the mother shall be entered on the birth certificate as the a legal father parent of
10 the registrant. The name of the father parent entered under this subdivision may
11 not be changed except by a proceeding under ch. 767.

12 SECTION 60. 69.14 (1) (f) 1. of the statutes is amended to read:

13 × 69.14 (1) (f) 1. a. Except as provided under subd. 1. b., if the mother of a
14 registrant of a birth certificate under this section is married to the father of the
15 registrant at any time from the conception to the birth of the registrant, the given
16 name and surname ^{↓ ↓ that} ~~which~~ the mother and father of the registrant and her spouse
17 enter for the registrant on the birth certificate shall be the given name and surname
18 filed and registered on the birth certificate.

19 b. If the mother of a registrant of a birth certificate under this section is married
20 to the father of the registrant at any time from the conception to the birth of the
21 registrant and the mother is separated or divorced from the father of the registrant
22 at the time of birth, the given name and surname ^{↓ ↓ that} ~~which~~ the parent of the registrant
23 with actual custody enters for the registrant on the birth certificate shall be the given
24 name and surname filed and registered on the birth certificate, except that if a court
25 has granted legal custody of the registrant, the given name and surname ^{↓ ↓ that} ~~which~~ the

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SECTION 60

1 person with legal custody enters for the registrant on the birth certificate shall be the
2 given name and surname filed and registered on the birth certificate.

3 c. If the mother of a registrant of a birth certificate under this section is not
4 married to the father of the registrant at any time from the conception to the birth
5 of the registrant, the given name and surname ~~which~~ ^{that} the mother of the registrant
6 enters for the registrant on the birth certificate shall be the given name and surname
7 filed and registered on the birth certificate, except that if a court has granted legal
8 custody of the registrant, the given name and surname ~~which~~ ^{that} the person with legal
9 custody enters for the registrant on the birth certificate shall be the given name and
10 surname filed and registered on the birth certificate.

11 **SECTION 61.** 69.14 (1) (g) of the statutes is amended to read:

12 ~~×~~ 69.14 (1) (g) *Birth by artificial insemination.* If the registrant of a birth
13 certificate under this section is born as a result of artificial insemination under the
14 requirements of s. 891.40, the husband spouse of the woman shall be considered the
15 father a parent of the registrant on the birth certificate. ~~If the registrant is born as~~
16 ~~a result of artificial insemination which does not satisfy the requirements of s.~~
17 ~~891.40, the information about the father of the registrant shall be omitted from the~~
18 ~~registrant's birth certificate.~~

19 **SECTION 62.** 69.14 (2) (b) 2. d. of the statutes is amended to read:

20 ~~×~~ 69.14 (2) (b) 2. d. The full name of the father or the mother's spouse, except that
21 if the mother was not married at the time of conception or birth or between conception
22 and birth of the registrant, the name of the father may not be entered except as
23 provided under s. 69.15 (3).

24 **SECTION 63.** 69.15 (1) of the statutes is amended to read:

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1 × 69.15 (1) BIRTH CERTIFICATE INFORMATION CHANGES. The state registrar may
2 change information on a birth certificate registered in this state which was correct
3 at the time the birth certificate was filed under a court or administrative order issued
4 in this state, in another state or in Canada or under the valid order of a court of any
5 federally recognized Indian tribe, band or nation if all of the following occur:

6 (a) The order provides for an adoption, name change or name change with sex
7 change or establishes paternity; and or parentage.

8 (b) A clerk of court or, for a paternity or parentage action, a clerk of court or
9 county child support agency under s. 59.53 (5), sends the state registrar a certified
10 report of an order of a court in this state on a form supplied by the state registrar or,
11 in the case of any other order, the state registrar receives a certified copy of the order
12 and the proper fee under s. 69.22.

13 **SECTION 64.** 69.15 (3) (b) 3. of the statutes is amended to read:

14 × 69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives
15 a statement acknowledging paternity of a nonmarital child on a form prescribed by
16 the state registrar and signed by both parents, neither of whom was under the age
17 of 18 years when the form was signed, along with the fee under s. 69.22, the state
18 registrar shall insert the name of the father under subd. 1. The state registrar shall
19 mark the certificate to show that the form is on file. The form shall be available to
20 the department of children and families or a county child support agency under s.
21 59.53 (5) pursuant to the program responsibilities under s. 49.22 or to any other
22 person with a direct and tangible interest in the record. The state registrar shall
23 include on the form for the acknowledgment the information in s. 767.805 and the
24 items in s. 767.813 (5g).

25 **SECTION 65.** 69.15 (3) (b) 3m. of the statutes is created to read:

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SECTION 65

1 ~~69.15~~ (3) (b) 3m. Except as provided in par. (c), if the state registrar receives
2 an acknowledgement of parentage on a form prescribed by the state registrar and
3 signed by both of the people presumed to be natural parents under s. 891.41 (1) (b),
4 a certified copy of the parents' marriage certificate, and the fee required under s.
5 69.22 (5) (b) 1., the state registrar shall insert the name of the spouse from the
6 marriage certificate as a parent if the name of that parent was omitted on the original
7 birth certificate.

8 SECTION 66. 71.03 (2) (d) (title) of the statutes is amended to read:

9 ~~71.03~~ (2) (d) (title) *Husband and wife* Spouses joint filing.

10 SECTION 67. 71.03 (2) (d) 1. of the statutes is amended to read:

11 ~~71.03~~ (2) (d) 1. Except as provided in subs. 2. and 3. and par. (e), ~~a husband~~
12 ~~and a wife~~ spouses may file a joint return for income tax purposes even though one
13 of the spouses has no gross income or no deductions.

14 SECTION 68. 71.03 (2) (d) 2. of the statutes is amended to read:

15 ~~71.03~~ (2) (d) 2. No joint return may be filed if either ~~the husband or wife~~ spouse
16 at any time during the taxable year is a nonresident alien, unless an election is in
17 effect for the taxable year under section 6013 (g) or (h) of the ~~internal revenue code~~
18 Internal Revenue Code.

19 SECTION 69. 71.03 (2) (d) 3. of the statutes is amended to read:

20 ~~71.03~~ (2) (d) 3. No joint return may be filed if the ~~husband and wife~~ spouses
21 have different taxable years, except that if their taxable years begin on the same day
22 and end on different days because of the death of either or both the joint return may
23 be filed with respect to the taxable year of each unless the surviving spouse remarries
24 before the close of his or her taxable year or unless the taxable year of either spouse

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1 is a fractional part of a year under section 443 (a) (1) of the ~~internal revenue code~~
2 Internal Revenue Code.

3 **SECTION 70.** 71.03 (2) (g) of the statutes is amended to read:

4 ~~71.03 (2) (g) *Joint return following separate return.*~~ Except as provided in par.
5 (i), if an individual has filed a separate return for a taxable year for which a joint
6 return could have been filed by the individual and the individual's spouse under par.
7 (d) or (e) and the time prescribed by law for timely filing the return for that taxable
8 year has expired, the individual and the individual's spouse may file a joint return
9 for that taxable year. A joint return filed by the ~~husband and wife~~ spouses under this
10 paragraph is their return for that taxable year, and all payments, credits, refunds
11 or other repayments made or allowed with respect to the separate return of each
12 spouse for that taxable year shall be taken into account in determining the extent
13 to which the tax based upon the joint return has been paid. If a joint return is filed
14 under this paragraph, any election, other than the election to file a separate return,
15 made by either spouse in that spouse's separate return for that taxable year with
16 respect to the treatment of any income, deduction or credit of that spouse may not
17 be changed in the filing of the joint return if that election would have been irrevocable
18 if the joint return had not been filed.

19 **SECTION 71.** 71.03 (2) (m) 2. of the statutes is amended to read:

20 ~~71.03 (2) (m) 2.~~ If ~~a husband and wife~~ spouses change from a joint return to
21 separate returns within the time prescribed in subd. 1., the tax paid on the joint
22 return shall be allocated between them in proportion to the tax liability shown on
23 each separate return.

24 **SECTION 72.** 71.03 (4) (a) of the statutes is amended to read:

ASSEMBLY BILL 816**SECTION 72**

1 X 71.03 (4) (a) Natural persons whose total income is not in excess of \$10,000 and
2 consists entirely of wages subject to withholding for Wisconsin tax purposes and not
3 more than \$200 total of dividends, interest and other wages not subject to Wisconsin
4 withholding, and who have elected the Wisconsin standard deduction and have not
5 claimed either the credit for homestead property tax relief or deductions for expenses
6 incurred in earning such income, shall, at their election, not be required to record on
7 their income tax returns the amount of the tax imposed on their Wisconsin taxable
8 income. Married persons shall be permitted this election only if the joint income of
9 the ~~husband and wife~~ spouses does not exceed \$10,000, if both report their incomes
10 on the same joint income tax return form, and if both make this election.

11 **SECTION 73.** 71.05 (22) (a) (title) of the statutes is amended to read:

12 X 71.05 (22) (a) (title) *Election of deductions; ~~husband and wife~~ spousal*
13 *deductions.*

14 **SECTION 74.** 71.07 (5m) (a) 3. of the statutes is amended to read:

15 X 71.07 (5m) (a) 3. “Household” means a claimant and an individual related to
16 the claimant as ~~husband or wife~~ his or her spouse.

17 **SECTION 75.** 71.07 (9e) (b) of the statutes is amended to read:

18 X 71.07 (9e) (b) No credit may be allowed under this subsection to married
19 persons, except married persons living apart who are treated as single under section
20 7703 (b) of the ~~internal revenue code~~ Internal Revenue Code, if the ~~husband and wife~~
21 spouses report their income on separate income tax returns for the taxable year.

22 **SECTION 76.** 71.09 (13) (a) 2. of the statutes is amended to read:

23 X 71.09 (13) (a) 2. The tax shown on the return for the preceding year. If ~~a~~
24 ~~husband and wife~~ spouses who filed separate returns for the preceding taxable year
25 file a joint return, the tax shown on the return for the preceding year is the sum of

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1 the taxes shown on the separate returns of the ~~husband and wife~~ spouses. If ~~a~~
2 ~~husband and wife~~ spouses who filed a joint return for the preceding taxable year file
3 separate returns, the tax shown on the return for the preceding year is ~~the husband's~~
4 ~~or wife's~~ each spouse's proportion of that tax based on what their respective tax
5 liabilities for that year would have been had they filed separately.

6 **SECTION 77.** [✓] 71.52 (4) of the statutes is amended to read:

7 ~~71.52 (4)~~ "Household" means a claimant and an individual related to the
8 claimant as ~~husband or wife~~ his or her spouse.

9 **SECTION 78.** [✓] 71.83 (1) (a) 8. of the statutes is amended to read:

10 ~~71.83 (1) (a) 8.~~ 'Joint return replacing separate returns.' If the amount shown
11 as the tax by ~~the husband and wife~~ spouses on a joint return filed under s. 71.03 (2)
12 (g) to (L) exceeds the sum of the amounts shown as the tax upon the separate return
13 of each spouse and if any part of that excess is attributable to negligence or
14 intentional disregard of this chapter, but without intent to defraud, at the time of the
15 filing of that separate return, then ~~25%~~ 25 percent of the total amount of that excess
16 shall be added to the tax. ^{plan}

17 **SECTION 79.** [✓] 71.83 (1) (b) 5. of the statutes is amended to read:

18 ~~71.83 (1) (b) 5.~~ 'Joint return after separate returns.' If the amount shown as
19 the tax by ~~the husband and wife~~ spouses on a joint return filed under s. 71.03 (2) (g)
20 to (L) exceeds the sum of the amounts shown as the tax on the separate return of each
21 spouse and if any part of that excess is attributable to fraud with intent to evade tax
22 at the time of the filing of that separate return, then ~~50%~~ 50 percent of the total
23 amount of that excess shall be added to the tax. ^{plan}

24 **SECTION 80.** [✓] 77.25 (8m) of the statutes is amended to read:

25 ~~77.25 (8m)~~ Between ~~husband and wife~~ spouses.

ASSEMBLY BILL 816**SECTION 81**

1 **SECTION 81.** 77.54 (7) (b) 1. of the statutes is amended to read:

2 ~~77.54 (7) (b) 1.~~ The item is transferred to a child, spouse, parent, ~~father-in-law,~~
3 ~~mother-in-law~~ parent-in-law, ~~daughter-in-law,~~ or ~~son-in-law~~ of the transferor or,
4 if the item is a motor vehicle, from the transferor to a corporation owned solely by the
5 transferor or by the transferor's spouse.

6 **SECTION 82.** 101.91 (5m) of the statutes is amended to read:

7 ~~101.91 (5m)~~ "Manufactured home community" means any plot or plots of
8 ground upon which 3 or more manufactured homes that are occupied for dwelling or
9 sleeping purposes are located. "Manufactured home community" does not include a
10 farm where the occupants of the manufactured homes are the ~~father, mother, son,~~
11 ~~daughter, brother or sister~~ parents, children, or siblings of the farm owner or
12 operator or where the occupants of the manufactured homes work on the farm.

13 **SECTION 83.** 102.07 (5) (b) of the statutes is amended to read:

14 ~~102.07 (5) (b)~~ The parents, spouse, child, brother, sister, ~~son-in-law,~~
15 ~~daughter-in-law,~~ ~~father-in-law,~~ ~~mother-in-law~~ parent-in-law, ~~brother-in-law,~~ or
16 ~~sister-in-law~~ of a farmer shall not be deemed the farmer's employees.

17 **SECTION 84.** 102.07 (5) (c) of the statutes is amended to read:

18 ~~102.07 (5) (c)~~ A shareholder-employee of a family farm corporation shall be
19 deemed a "farmer" for purposes of this chapter and shall not be deemed an employee
20 of a farmer. A "family farm corporation" means a corporation engaged in farming all
21 of whose shareholders are related as lineal ancestors or lineal descendants, whether
22 by blood or by adoption, or as spouses, brothers, sisters, uncles, aunts, cousins,
23 ~~sons-in-law,~~ ~~daughters-in-law,~~ ~~fathers-in-law,~~ ~~mothers-in-law~~ parents-in-law,
24 ~~brothers-in-law,~~ or ~~sisters-in-law~~ of such lineal ancestors or lineal descendants.

25 **SECTION 85.** 102.51 (1) (a) 1. of the statutes is amended to read:

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1 ~~X~~102.51 (1) (a) 1. A ~~wife~~ married person upon ~~a husband~~ his or her spouse with
2 whom ~~he or she~~ is living at the time of ~~his~~ the spouse's death.

3 SECTION 86. 102.51 (1) (a) 2. of the statutes is repealed.

4 SECTION 87. 103.10 (1) (h) of the statutes is amended to read:

5 ~~X~~103.10 (1) (h) “Spouse” means ~~an employee's legal husband or wife~~ the person
6 to whom an employee is legally married.

7 SECTION 88. 103.165 (3) (a) 3. of the statutes is amended to read:

8 ~~X~~103.165 (3) (a) 3. The decedent's ~~father or mother~~ parent or parents if the
9 decedent leaves no surviving spouse, domestic partner under ch. 770, or children.

10 SECTION 89. 111.32 (12) of the statutes is amended to read:

11 ~~X~~111.32 (12) “Marital status” means the status of being married, single,
12 divorced, separated, or widowed a surviving spouse.

13 SECTION 90. 115.76 (12) (a) 1. of the statutes is amended to read:

14 ~~X~~115.76 (12) (a) 1. A ~~biological~~ natural parent.

15 SECTION 91. 115.76 (12) (a) 2. of the statutes is repealed.

16 SECTION 92. 115.76 (12) (a) 3. of the statutes is repealed.

17 SECTION 93. 115.76 (13) of the statutes is amended to read:

18 ~~X~~115.76 (13) “Person acting as a parent of a child” means a relative of the child
19 or a private individual allowed to act as a parent of a child by the child's ~~biological~~
20 natural or adoptive parents or guardian, and includes the child's grandparent,
21 neighbor, friend or private individual caring for the child with the explicit or tacit
22 approval of the child's ~~biological~~ natural or adoptive parents or guardian. “Person
23 acting as a parent of a child” does not include any person that receives public funds
24 to care for the child if such funds exceed the cost of such care.

25 SECTION 94. 146.34 (1) (f) of the statutes is amended to read:

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SECTION 94

1 ~~§~~146.34 (1) (f) "Parent" means a biological natural parent, ~~a husband who has~~
2 ~~consented to the artificial insemination of his wife under s. 891.40~~ or a parent by
3 adoption. If the minor is a nonmarital child who is not adopted or whose parents do
4 not subsequently intermarry under s. 767.803, "parent" includes a person adjudged
5 in a judicial proceeding under ch. 48 to be the biological father of the minor. "Parent"
6 does not include any person whose parental rights have been terminated.

7 SECTION 95. 157.05 of the statutes is amended to read:

8 ~~§~~157.05 **Autopsy.** Consent for a licensed physician to conduct an autopsy on
9 the body of a deceased person shall be deemed sufficient when given by whichever
10 one of the following assumes custody of the body for purposes of burial: ~~Father,~~
11 ~~mother, husband, wife~~ parent, spouse, child, guardian, next of kin, domestic partner
12 under ch. 770, or in the absence of any of the foregoing, a friend, or a person charged
13 by law with the responsibility for burial. If 2 or more such persons assume custody
14 of the body, the consent of one of them shall be deemed sufficient.

15 ~~SECTION 96.~~ 157.10 of the statutes is amended to read:

16 **157.10 Alienation and use of cemetery lots.** While any person is buried in
17 a cemetery lot, the cemetery lot shall be inalienable, without the consent of the
18 cemetery authority, and on the death of the owner, ownership of the cemetery lot
19 shall descend to the owner's heirs; but any one or more of such heirs may convey to
20 any other heir his or her interest in the cemetery lot. No human remains may be
21 buried in a cemetery lot except the human remains of one having an interest in the
22 cemetery lot, or a relative, or the ~~husband or wife~~ spouse of such person, or his or her
23 relative, except by the consent of all persons having an interest in the cemetery lot.

24 SECTION 97. 182.004 (6) of the statutes is amended to read:

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1 × 182.004 (6) Stock may be issued and leases made to ~~husband and wife~~ spouses,
2 and to the survivor of them, in which event title shall descend the same as in like
3 conveyances of real property subject to ch. 766. Otherwise, title to the stock and lease
4 shall descend to the persons to whom a homestead of the stockholder would descend
5 except as provided in ch. 766. The interest of a tenant in the lease and stock shall
6 be exempt from execution to the same extent as a homestead in real estate.

7 SECTION 98. 250.04 (3) (a) of the statutes is amended to read:

8 ×250.04 (3) (a) The department shall establish and maintain surveillance
9 activities sufficient to detect any occurrence of acute, communicable, or chronic
10 diseases and threat of occupational or environmental hazards, injuries, or changes
11 in the health of ~~mothers~~ parents and children.

12 SECTION 99. 301.12 (2) of the statutes is amended to read:

13 ×301.12 (2) Except as provided in subs (2m) and (14) (b) and (c), any person,
14 including a person placed under s. 938.183, 938.34 (4h) or (4m), or 938.357 (4) or (5)
15 (e), receiving care, maintenance, services, and supplies provided by any institution
16 in this state operated or contracted for by the department, in which the state is
17 chargeable with all or part of the person's care, maintenance, services, and supplies,
18 and the person's property and estate, including the homestead, and the spouse of the
19 person, and the spouse's property and estate, including the homestead, and, in the
20 case of a minor child, the parents of the person, and their property and estates,
21 including their homestead, and, in the case of a foreign child described in s. 48.839
22 (1) who became dependent on public funds for his or her primary support before an
23 order granting his or her adoption, the resident of this state appointed guardian of
24 the child by a foreign court who brought the child into this state for the purpose of
25 adoption, and his or her property and estate, including his or her homestead, shall

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1 be liable for the cost of the care, maintenance, services, and supplies in accordance
2 with the fee schedule established by the department under s. 301.03 (18). If a spouse,
3 ~~widow~~ surviving spouse, or minor, or an incapacitated person, may be lawfully
4 dependent upon the property for his or her support, the court shall release all or such
5 part of the property and estate from the charges that may be necessary to provide for
6 that person. The department shall make every reasonable effort to notify the liable
7 persons as soon as possible after the beginning of the maintenance, but the notice or
8 the receipt of the notice is not a condition of liability.

9 **SECTION 100.** 301.50 (1) of the statutes is amended to read:

10 ~~301.50 (1)~~ In this section, “substantial parental relationship” means the
11 acceptance and exercise of significant responsibility for the daily supervision,
12 education, protection, and care of the child. In evaluating whether an individual has
13 had a substantial parental relationship with the child, factors that may be
14 considered include, but are not limited to, whether the individual has expressed
15 concern for or interest in the support, care, or well-being of the child; whether the
16 individual has neglected or refused to provide care or support for the child; and
17 whether, with respect to an individual who is or may be ~~the father~~ a parent of the
18 child, the individual has expressed concern for or interest in the support, care, or
19 well-being of the mother during her pregnancy.

20 **SECTION 101.** 700.19 (2) of the statutes is amended to read:

21 ~~700.19 (2) HUSBAND AND WIFE SPOUSES.~~ If persons named as owners in a
22 document of title, transferees in an instrument of transfer, or buyers in a bill of sale
23 are described in the document, instrument, or bill of sale as ~~husband and wife~~
24 married to each other, or are in fact ~~husband and wife~~ married to each other, they are
25 joint tenants, unless the intent to create a tenancy in common is expressed in the