AN ACT to repeal 49.141 (1) (j) 2., 102.51 (1) (a) 2., 115.76 (12) (a) 2. and 115.76 (12) (a) 3.; to renumber and amend 891.40 (1) and 891.41 (1) (b); to amend 29.219 (4), 29.228 (5), 29.228 (6), 29.229 (2) (i), 29.2295 (2) (i), 29.563 (3) (a) 3., 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, 46.10 (2), 48.02 (13), 48.396 (2) (dm), 48.422 (7) (bm), 48.422 (7) (br), 48.432 (1) (am) 2. b., 48.63 (3) (b) 4., 48.63 (3) (b) 5., 48.82 (1) (a), 48.837 (1r) (d), 48.837 (1r) (e), 48.837 (6) (b), 48.837 (6) (br), 48.913 (1) (a), 48.913 (1) (b), 48.913 (1) (h), 48.913 (2) (intro.), 48.913 (2) (b), 48.913 (2) (c) (intro.), 48.913 (3), 48.913 (4), 48.913 (7), 49.141 (1) (j) 1., 49.155 (1m) (c) 1g., 49.155 (1m) (c) 1h., 49.163 (2) (am) 2., 49.19 (1) (a) 2. a., 49.19 (4) (d) (intro.), 49.19 (4) (d) 1., 49.19 (4) (d) 2., 49.19 (4) (d) 3., 49.19 (4) (d) 4., 49.19 (4) (d) 5., 49.345 (2), 49.43 (12), 49.471 (1) (b) 2., 49.90 (4), 54.01 (36) (a), 54.960 (1), 69.03 (15), 69.05 (3m) (intro.), (a) and (b), 69.11 (4) (b), 69.12 (5), 69.13 (2) (b) 4., 69.14 (1) (c) 4., 69.14 (1) (e) (title) and 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
SENATE BILL 327

(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,
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, with the intent of harmonizing the Wisconsin statutes with the holding of the U.S. Supreme Court in Obergefell v. Hodges, 135 S. Ct. 2584, 192 L.Ed.2d 609 (2015), which recognizes that same-sex couples have a fundamental constitutional right to marriage. The bill also recognizes legal parentage for same-sex couples under certain circumstances.
SENATE BILL 327

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 sex that married persons of different sexes have under current law. The bill defines "spouse" as a person who is legally married to another person of the same sex or a different 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 different sexes. 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
SENATE BILL 327

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 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:*

**SECTION 1.** 29.219 (4) of the statutes is amended to read:

29.219 (4) **Husband and wife Spouses** resident licenses. A combined husband and wife spouses resident fishing license shall be issued subject to s. 29.024 by the department to residents applying for this license. This license confers upon both husband and wife spouses the privileges of resident fishing licenses.

**SECTION 2.** 29.228 (5) of the statutes is amended to read:

29.228 (5) **Annual family fishing license.** The department shall issue a nonresident annual family fishing license, subject to s. 29.024, to any nonresident who applies for this license. This license entitles the husband, wife spouses and any minor children to fish under this license.

**SECTION 3.** 29.228 (6) of the statutes is amended to read:

29.228 (6) **Fifteen-day family fishing license.** The department shall issue a nonresident 15-day family fishing license, subject to s. 29.024, to any nonresident who applies for this license. This license entitles the husband, wife spouses and any minor children to fish under this license.

**SECTION 4.** 29.229 (2) (i) of the statutes is amended to read:

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

**SECTION 5.** 29.2295 (2) (i) of the statutes is amended to read:

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

**SECTION 6.** 29.563 (3) (a) 3. of the statutes is amended to read:

29.563 (3) (a) 3. **Husband and wife Spouses:** $30.25.
**SECTION 7.** 29.607 (3) of the statutes is amended to read:

> 29.607 (3) LICENSE REQUIRED; EXCEPTIONS; WILD RICE IDENTIFICATION CARD. Every person over the age of 16 and under the age of 65 shall obtain the appropriate wild rice license to harvest or deal in wild rice but no license to harvest is required of the members of the immediate family of a licensee or of a recipient of old-age assistance or members of their immediate families. The department, subject to s. 29.024 (2g) and (2r), shall issue a wild rice identification card to each member of a licensee’s immediate family, to a recipient of old-age assistance and to each member of the recipient’s family. The term “immediate family” includes husband and wife spouses and minor children having their abode and domicile with the parent or legal guardian.

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

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

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

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

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

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

**SECTION 11.** 45.51 (5) (a) 1. c. of the statutes is amended to read:
45.51 (5) (a) 1. c. The period during which the surviving spouse was married to and lived with the deceased person under sub. (2) (a) 1. or 2. plus the period of widowhood or widowerhood after the death of the deceased person is 6 months or more.

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

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

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

46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person, including but not limited to a person admitted, committed, protected, or placed under s. 975.01, 1977 stats., s. 975.02, 1977 stats., s. 975.17, 1977 stats., s. 55.05 (5), 2003 stats., and 55.06, 2003 stats., and ss. 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5),
51.45 (10), (11), (12) and (13), 55.05, 55.055, 55.12, 55.13, 55.135, 971.14 (2) and (5),
971.17 (1), 975.06 and 980.06, receiving care, maintenance, services, and supplies
provided by any institution in this state including University of Wisconsin Hospitals
and Clinics, in which the state is chargeable with all or part of the person’s care,
maintenance, services, and supplies, any person receiving care and services from a
county department established under s. 51.42 or 51.437 or from a facility established
under s. 49.73, and any person receiving treatment and services from a public or
private agency under s. 980.06 (2) (c), 1997 stats., s. 980.08 (5), 2003 stats., or s.
971.17 (3) (d) or (4) (e) or 980.08 (4) (g) and the person’s property and estate, including
the homestead, and the spouse of the person, and the spouse’s property and estate,
including the homestead, and, in the case of a minor child, the parents of the person,
and their property and estates, including their homestead, and, in the case of a
foreign child described in s. 48.839 (1) who became dependent on public funds for his
or her primary support before an order granting his or her adoption, the resident of
this state appointed guardian of the child by a foreign court who brought the child
into this state for the purpose of adoption, and his or her property and estate,
including his or her homestead, shall be liable for the cost of the care, maintenance,
services, and supplies in accordance with the fee schedule established by the
department under s. 46.03 (18). If a spouse, widow surviving spouse, or minor, or an
incapacitated person may be lawfully dependent upon the property for their support,
the court shall release all or such part of the property and estate from the charges
that may be necessary to provide for those persons. The department shall make
every reasonable effort to notify the liable persons as soon as possible after the
beginning of the maintenance, but the notice or the receipt thereof is not a condition
of liability.
**SECTION 14.** 48.02 (13) of the statutes is amended to read:

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

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

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

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

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

SECTION 17. 48.422 (7) (br) of the statutes is amended to read:
48.422 (7) (br) Establish whether any person has coerced a birth parent or any alleged father or presumed father parent of the child in violation of s. 48.63 (3) (b)

5. Upon a finding of coercion, the court shall dismiss the petition.

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

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

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

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

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

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

SECTION 21. 48.82 (1) (a) of the statutes is amended to read:
48.82 (1) (a) A husband and wife Spouses jointly, or either the husband or wife if the other spouse is of a parent of the minor.

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

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

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

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

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

48.837 (6) (b) At the beginning of the hearing held under sub. (2), the court shall review the report that is submitted under s. 48.913 (6). The court shall determine whether any payments or the conditions specified in any agreement to make payments are coercive to the any birth parent of the child or to an, alleged father, or presumed father parent of the child or are impermissible under s. 48.913 (4). Making
any payment to or on behalf of the birth parent of the child, an alleged father, or presumed father parent of the child or the child conditional in any part upon transfer or surrender of the child or the termination of parental rights or the finalization of the adoption creates a rebuttable presumption of coercion. Upon a finding of coercion, the court shall dismiss the petitions under subs. (2) and (3) or amend the agreement to delete any coercive conditions, if the parties agree to the amendment. Upon a finding that payments which are impermissible under s. 48.913 (4) have been made, the court may dismiss the petition and may refer the matter to the district attorney for prosecution under s. 948.24 (1).

Section 25. 48.837 (6) (br) of the statutes is amended to read:

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

Section 26. 48.913 (1) (a) of the statutes is amended to read:

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

Section 27. 48.913 (1) (b) of the statutes is amended to read:

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

Section 28. 48.913 (1) (h) of the statutes is amended to read:

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

Section 29. 48.913 (2) (intro.) of the statutes is amended to read:
48.913 (2) Payment of expenses when birth parent is residing in another state. (intro.) Notwithstanding sub. (1), the proposed adoptive parents of a child or a person acting on behalf of the proposed adoptive parents of a child may pay for an expense of a birth parent of the child or an alleged father, or presumed father parent of the child if the birth parent or the alleged father, or presumed father parent was residing in another state when the payment was made and when the expense was incurred and if all of the following apply:

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

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

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

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

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

48.913 (3) Method of payment. Any payment under sub. (1) or (2) shall be made directly to the provider of a good or service except that a payment under sub. (1) or (2) may be made to a birth parent of the child or to an alleged father, or presumed
Section 32. SENATE BILL 327

father parent of the child as reimbursement of an amount previously paid by the birth parent or by the alleged father, or presumed father parent if documentation is provided showing that the birth parent or alleged father, or presumed father parent has made the previous payment.

Section 33. 48.913 (4) of the statutes is amended to read:

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

Section 34. 48.913 (7) of the statutes is amended to read:

48.913 (7) REPORT TO THE COURT; CONTENTS REQUIRED. The report required under sub. (6) shall include a list of all transfers of anything of value made or agreed to be made by the proposed adoptive parents or by a person acting on their behalf to a birth parent of the child, an alleged father, or presumed father parent of the child or the child, on behalf of a birth parent of the child, an alleged father, or presumed father parent of the child or the child, or to any other person in connection with the pregnancy, the birth of the child, the placement of the child with the proposed adoptive parents, or the adoption of the child by the proposed adoptive parents. The report shall be itemized and shall show the goods or services for which payment was made or agreed to be made. The report shall include the dates of each payment, the names and addresses of each attorney, doctor, hospital, agency, or other person or organization receiving any payment from the proposed adoptive parents or a person acting on behalf of the proposed adoptive parents in connection with the pregnancy, the birth of the child, the placement of the child with the proposed adoptive parents, or the adoption of the child by the proposed adoptive parents.
SECTION 35. 49.141 (1) (j) 1. of the statutes is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 47.** 49.345 (2) of the statutes is amended to read:

49.345 (2) Except as provided in sub. (14) (b) and (c), any person, including a
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 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance,
services, and supplies provided by any institution in this state, in which the state is
chargeable with all or part of the person's care, maintenance, services, and supplies,
and the person's property and estate, including the homestead, and the spouse of the
person, and the spouse's property and estate, including the homestead, and, in the
case of a minor child, the parents of the person, and their property and estates,
including their homestead, and, in the case of a foreign child described in s. 48.839
(1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services, and supplies in accordance with the fee schedule established by the department under s. 49.32 (1). If a spouse, widow surviving spouse, or minor, or an incapacitated person may be lawfully dependent upon the property for his or her support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for the person. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt of the notice is not a condition of liability.

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

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

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

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

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

49.90 (4) The circuit court shall in a summary way hear the allegations and proofs of the parties and by order require maintenance from these relatives, if they have sufficient ability, considering their own future maintenance and making reasonable allowance for the protection of the property and investments from which they derive their living and their care and protection in old age, in the following order: First the husband or wife spouse; then the father and the mother parents; and
then the grandparents in the instances in which sub. (1) (a) 2. applies. The order shall specify a sum which will be sufficient for the support of the dependent person under sub. (1) (a) 1. or the maintenance of a child of a dependent person under sub. (1) (a) 2., to be paid weekly or monthly, during a period fixed by the order or until the further order of the court. If the court is satisfied that any such relative is unable wholly to maintain the dependent person or the child, but is able to contribute to the person’s support or the child’s maintenance, the court may direct 2 or more of the relatives to maintain the person or the child and prescribe the proportion each shall contribute. If the court is satisfied that these relatives are unable together wholly to maintain the dependent person or the child, but are able to contribute to the person’s support or the child’s maintenance, the court shall direct a sum to be paid weekly or monthly by each relative in proportion to ability. Contributions directed by court order, if for less than full support, shall be paid to the department of health services or the department of children and families, whichever is appropriate, and distributed as required by state and federal law. An order under this subsection that relates to maintenance required under sub. (1) (a) 2. shall specifically assign responsibility for and direct the manner of payment of the child’s health care expenses, subject to the limitations under subs. (1) (a) 2. and (11). Upon application of any party affected by the order and upon like notice and procedure, the court may modify such an order. Obedience to such an order may be enforced by proceedings for contempt.

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

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

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

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

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

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

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

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

(a) The local health department has a maternal–child visitation or information program;

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

**SECTION 55.** 69.11 (4) (b) of the statutes is amended to read:
69.11 (4) (b) The state registrar may amend an item on a birth certificate that affects information about the name, sex, date of birth, place of birth, parent’s name, or marital status of the mother if 365 days have elapsed since the occurrence of the event that is the subject of the birth certificate, if the amendment is at the request of a person with a direct and tangible interest in the record and is on a request form supplied by the state registrar, and if the amendment is accompanied by 2 items of documentary evidence from early childhood that are sufficient to prove that the item to be changed is in error and by the affidavit of the person requesting the amendment. A change in the marital status on the birth certificate may be made under this paragraph only if the marital status is inconsistent with information concerning the father or husband spouse that appears on the birth certificate. This paragraph may not be used to add to or delete from a birth certificate the name of a parent, to change the identity of a parent named on the birth certificate, or to effect a name change prohibited under s. 301.47.

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

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

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

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

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

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

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

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

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

69.14 (1) (f) 1. a. Except as provided under subd. 1. b., if the mother of a registrant of a birth certificate under this section is married to the father of the registrant at any time from the conception to the birth of the registrant, the given name and surname which that the mother and father of the registrant and her spouse enter for the registrant on the birth certificate shall be the given name and surname filed and registered on the birth certificate.

b. If the mother of a registrant of a birth certificate under this section is married to the father of the registrant at any time from the conception to the birth of the registrant and the mother is separated or divorced from the father of the registrant at the time of birth, the given name and surname which that the parent of the
registrant with actual custody enters for the registrant on the birth certificate shall be the given name and surname filed and registered on the birth certificate, except that if a court has granted legal custody of the registrant, the given name and surname which that the person with legal custody enters for the registrant on the birth certificate shall be the given name and surname filed and registered on the birth certificate.

c. If the mother of a registrant of a birth certificate under this section is not married to the father of the registrant at any time from the conception to the birth of the registrant, the given name and surname which that the mother of the registrant enters for the registrant on the birth certificate shall be the given name and surname filed and registered on the birth certificate, except that if a court has granted legal custody of the registrant, the given name and surname which that the person with legal custody enters for the registrant on the birth certificate shall be the given name and surname filed and registered on the birth certificate.

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

69.14 (1) (g) Birth by artificial insemination. If the registrant of a birth certificate under this section is born as a result of artificial insemination under the requirements of s. 891.40, the husband spouse of the woman shall be considered the father a parent of the registrant on the birth certificate. If the registrant is born as a result of artificial insemination which does not satisfy the requirements of s. 891.40, the information about the father of the registrant shall be omitted from the registrant’s birth certificate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

71.03 (2) (d) 3. No joint return may be filed if the husband and wife spouses
have different taxable years, except that if their taxable years begin on the same day
and end on different days because of the death of either or both the joint return may
be filed with respect to the taxable year of each unless the surviving spouse remarries
before the close of his or her taxable year or unless the taxable year of either spouse
is a fractional part of a year under section 443 (a) (1) of the Internal Revenue Code.

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

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

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

71.03 (2) (m) 2. If a husband and wife spouses change from a joint return to separate returns within the time prescribed in subd. 1., the tax paid on the joint return shall be allocated between them in proportion to the tax liability shown on each separate return.
**SECTION 72.** 71.03 (4) (a) of the statutes is amended to read:

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

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

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

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

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

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

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

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

71.09 (13) (a) 2. The tax shown on the return for the preceding year. If **husband and wife spouses** who filed separate returns for the preceding taxable year
file a joint return, the tax shown on the return for the preceding year is the sum of
the taxes shown on the separate returns of the husband and wife spouses. If a
husband and wife spouses who filed a joint return for the preceding taxable year file
separate returns, the tax shown on the return for the preceding year is the husband's
or wife's each spouse's proportion of that tax based on what their respective tax
liabilities for that year would have been had they filed separately.

SECTION 77. 71.52 (4) of the statutes is amended to read:

71.52 (4) “Household” means a claimant and an individual related to the
claimant as husband or wife his or her spouse.

SECTION 78. 71.83 (1) (a) 8. of the statutes is amended to read:

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

SECTION 79. 71.83 (1) (b) 5. of the statutes is amended to read:

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

SECTION 80. 77.25 (8m) of the statutes is amended to read:
SECTION 80. 77.25 (8m) Between husband and wife spouses.

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

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

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

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

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

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

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

102.07 (5) (c) A shareholder-employee of a family farm corporation shall be deemed a “farmer” for purposes of this chapter and shall not be deemed an employee of a farmer. A “family farm corporation” means a corporation engaged in farming all of whose shareholders are related as lineal ancestors or lineal descendants, whether by blood or by adoption, or as spouses, brothers, sisters, uncles, aunts, cousins, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law parents-in-law, brothers-in-law, or sisters-in-law of such lineal ancestors or lineal descendants.
SECTION 85. 102.51 (1) (a) 1. of the statutes is amended to read:

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

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

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

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

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

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

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

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

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

115.76 (12) (a) 1. A biological natural parent.

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

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

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

115.76 (13) “Person acting as a parent of a child” means a relative of the child or a private individual allowed to act as a parent of a child by the child's biological natural or adoptive parents or guardian, and includes the child's grandparent, neighbor, friend or private individual caring for the child with the explicit or tacit approval of the child's biological natural or adoptive parents or guardian. “Person acting as a parent of a child” does not include any person that receives public funds to care for the child if such funds exceed the cost of such care.
**SECTION 94.** 146.34 (1) (f) of the statutes is amended to read:

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

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

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

**SECTION 96.** 182.004 (6) of the statutes is amended to read:

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

**SECTION 97.** 250.04 (3) (a) of the statutes is amended to read:

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

SECTION 98. 301.12 (2) of the statutes is amended to read:

301.12 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person, including a person placed under s. 938.183, 938.32 (1) (bm) or (c), 938.34 (4h) or (4m), or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance, services, and supplies provided by any institution in this state operated or contracted for by the department, in which the state is chargeable with all or part of the person’s care, maintenance, services, and supplies, and the person’s property and estate, including the homestead, and the spouse of the person, and the spouse’s property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services, and supplies in accordance with the fee schedule established by the department under s. 301.03 (18). If a spouse, widow, surviving spouse, or minor, or an incapacitated person, may be lawfully dependent upon the property for his or her support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for that person. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt of the notice is not a condition of liability.
SECTION 99. 301.50 (1) of the statutes is amended to read:

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

SECTION 100. 700.19 (2) of the statutes is amended to read:

700.19 (2) Husband and wife spouses. If persons named as owners in a document of title, transferees in an instrument of transfer, or buyers in a bill of sale are described in the document, instrument, or bill of sale as husband and wife married to each other, or are in fact husband and wife married to each other, they are joint tenants, unless the intent to create a tenancy in common is expressed in the document, instrument, or bill of sale. This subsection applies to property acquired before January 1, 1986, and, if ch. 766 does not apply when the property is acquired, to property acquired on or after January 1, 1986.

SECTION 101. 705.01 (4) of the statutes is amended to read:

705.01 (4) “Joint account” means an account, other than a marital account, payable on request to one or more of 2 or more parties whether or not mention is made of any right of survivorship. “Joint account” also means any account established with the right of survivorship on or after January 1, 1986, by 2 parties who claim to be
husband and wife married to each other, which is payable on request to either or both of the parties.

SECTION 102. 705.01 (4m) of the statutes is amended to read:

705.01 (4m) “Marital account” means an account established without the right of survivorship on or after January 1, 1986, by 2 parties who claim to be husband and wife married to each other, which is payable on request to either or both of the parties and which is designated as a marital account. An account established by those parties with the right of survivorship under s. 766.58 (3) (f) or 766.60 is a joint account.

SECTION 103. 706.09 (1) (e) of the statutes is amended to read:

706.09 (1) (e) Marital interests. Homestead of the spouse of any transferor of an interest in real estate, if the recorded conveyance purporting to transfer the homestead states that the person executing it is single, unmarried, or widowed a surviving spouse or fails to indicate the marital status of the transferor, and if the conveyance has, in either case, appeared of record for 5 years. This paragraph does not apply to the interest of a married person who is described of record as a holder in joint tenancy or of marital property with that transferor.

SECTION 104. 765.001 (2) of the statutes is amended to read:

765.001 (2) Intent. It is the intent of chs. 765 to 768 to promote the stability and best interests of marriage and the family. It is the intent of the legislature to recognize the valuable contributions of both spouses during the marriage and at termination of the marriage by dissolution or death. Marriage is the institution that is the foundation of the family and of society. Its stability is basic to morality and civilization, and of vital interest to society and the state. The consequences of the marriage contract are more significant to society than those of other contracts, and
the public interest must be taken into account always. The seriousness of marriage makes adequate premarital counseling and education for family living highly desirable and courses thereon are urged upon all persons contemplating marriage. The impairment or dissolution of the marriage relation generally results in injury to the public wholly apart from the effect upon the parties immediately concerned. Under the laws of this state, marriage is a legal relationship between 2 equal persons, a husband and wife, who owe to each other mutual responsibility and support. Each spouse has an equal obligation in accordance with his or her ability to contribute money or services or both which are necessary for the adequate support and maintenance of his or her minor children and of the other spouse. No spouse may be presumed primarily liable for support expenses under this subsection.

SECTION 105. 765.01 of the statutes is amended to read:

765.01 A civil contract. Marriage, so far as its validity at law is concerned, is a civil contract, to which the consent of the parties capable in law of contracting is essential, and which creates the legal status of husband and wife spouse to each other.

SECTION 106. 765.02 (3) of the statutes is created to read:

765.02 (3) Marriage may be contracted between persons of the same sex or different sexes.

SECTION 107. 765.03 (1) of the statutes is amended to read:

765.03 (1) No marriage shall be contracted while either of the parties has a husband or wife spouse living, nor between persons who are nearer of kin than 2nd cousins except that marriage may be contracted between first cousins where the if a female party has attained the age of 55 years or where if either party, at the time of application for a marriage license, submits an affidavit signed by a physician
stating that either party is permanently sterile or that the 2 parties are otherwise permanently biologically incapable of producing a child together. Relationship under this section shall be computed by the rule of the civil law, whether the parties to the marriage are of the half or of the whole blood. A marriage may not be contracted if either party has such want of understanding as renders him or her incapable of assenting to marriage.

**SECTION 108.** 765.16 (1m) (intro.) of the statutes is amended to read:

765.16 (1m) (intro.) Marriage may be validly solemnized and contracted in this state only after a marriage license has been issued therefor, and only by the mutual declarations of the 2 parties to be joined in marriage that they take each takes the other as husband and wife his or her spouse, made before an authorized officiating person and in the presence of at least 2 competent adult witnesses other than the officiating person. The following are authorized to be officiating persons:

**SECTION 109.** 765.16 (1m) (c) of the statutes is amended to read:

765.16 (1m) (c) The 2 parties themselves, by mutual declarations that they take each takes the other as husband and wife his or her spouse, in accordance with the customs, rules, and regulations of any religious society, denomination, or sect to which either of the parties may belong.

**SECTION 110.** 765.23 of the statutes is amended to read:

765.23 **Immaterial irregularities otherwise.** No marriage hereafter contracted shall be void either by reason of the marriage license having been issued by a county clerk not having jurisdiction to issue the same; or by reason of any informality or irregularity of form in the application for the marriage license or in the marriage license itself, or the incompetency of the witnesses to such marriage; or because the marriage may have been solemnized in a county other than the county
prescribed in s. 765.12, or more than 30 days after the date of the marriage license, if the marriage is in other respects lawful and is consummated with the full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage. Where a marriage has been celebrated in one of the forms provided for in s. 765.16 (1m), and the parties thereto have immediately thereafter assumed the habit and repute of husband and wife a married couple, and having continued the same uninterruptedly thereafter for the period of one year, or until the death of either of them, it shall be deemed that a marriage license has been issued as required by ss. 765.05 to 765.24 and 767.803.

SECTION 111. 765.24 of the statutes is amended to read:

765.24 Removal of impediments to subsequent marriage. If a person during the lifetime of a husband or wife spouse with whom the marriage is in force, enters into a subsequent marriage contract in accordance with s. 765.16, and the parties thereto live together thereafter as husband and wife a married couple, and such subsequent marriage contract was entered into by one of the parties in good faith, in the full belief that the former husband or wife spouse was dead, or that the former marriage had been annulled, or dissolved by a divorce, or without knowledge of such former marriage, they the parties shall, after the impediment to their marriage has been removed by the death or divorce of the other party to such former marriage, if they continue to live together as husband and wife a married couple in good faith on the part of one of them, be held to have been legally married from and after the removal of such impediment and the issue of any children born during such subsequent marriage shall be considered as the marital issue children of both parents parties.

SECTION 112. 765.30 (3) (a) of the statutes is amended to read:
765.30 (3) (a) Penalty for unlawful solemnization of marriage. Any officiating person who solemnizes a marriage unless the contracting parties have first obtained a proper marriage license as heretofore provided; or unless the parties to such marriage declare that they take each takes the other as husband and wife his or her spouse; or without the presence of 2 competent adult witnesses; or solemnizes a marriage knowing of any legal impediment thereto; or solemnizes a marriage more than 30 days after the date of the marriage license; or falsely certifies to the date of a marriage solemnized by the officiating person; or solemnizes a marriage in a county other than the county prescribed in s. 765.12.

**SECTION 113.** 766.587 (7) (form) 9. of the statutes is amended to read:

766.587 (7) (form) 9. BOTH SPOUSES MUST SIGN THIS AGREEMENT. IF SIGNED BEFORE JANUARY 1, 1986, IT IS EFFECTIVE ON JANUARY 1, 1986, OR THE DATE THE PARTIES MARRY, WHICHEVER IS LATER. IF SIGNED ON OR AFTER JANUARY 1, 1986, IT IS EFFECTIVE ON THE DATE SIGNED OR THE DATE THE PARTIES MARRY, WHICHEVER IS LATER.

**STATUTORY INDIVIDUAL PROPERTY CLASSIFICATION AGREEMENT**

(Pursuant to Section 766.587, Wisconsin Statutes)

This agreement is made and entered into by .... and ...., (husband and wife who are married) (who intend to marry) (strike one).

The parties to this agreement agree to classify all their property, including property owned by them now and property acquired before January 1, 1987, as the individual property of the owning spouse, and agree that ownership of their property shall be determined as if it were December 31, 1985.

This agreement terminates on January 1, 1987.
Signature .... Date ....

Print Name Here: ....

Address: ....

Signature .... Date ....

Print Name Here: ....

Address: ....

[NOTE: Each spouse should retain a copy of the agreement for himself or herself.]

SECTION 114. 766.588 (9) (form) 13. of the statutes is amended to read:

766.588 (9) (form) 13. IF AFTER ENTERING INTO THIS AGREEMENT ONE OR BOTH OF YOU ESTABLISH A DOMICILE OUTSIDE THIS STATE, YOU ARE URGED TO SEEK LEGAL ADVICE CONCERNING THE CONTINUED EFFECTIVENESS OF THIS AGREEMENT.

STATUTORY TERMINABLE MARITAL PROPERTY CLASSIFICATION AGREEMENT

(Pursuant to Section 766.588, Wisconsin Statutes)

This agreement is entered into by .... and .... (husband and wife who are married) (who intend to marry) (strike one). The parties hereby classify all of the property owned by them when this agreement becomes effective, and property acquired during the term of this agreement, as marital property.

One spouse may terminate this agreement at any time by giving signed notice of termination to the other spouse. Notice of termination by a spouse is given upon personal delivery or when sent by certified mail to the other spouse’s last-known address. The agreement terminates 30 days after such notice is given.
The parties (have) (have not) (strike one) completed Schedule “A”, “Financial Disclosure”, attached to this agreement. If Schedule “A” has not been completed, the duration of this agreement is 3 years after both parties have signed the agreement. If Schedule “A” has been completed, the duration of this agreement is not limited to 3 years after it is signed.

IF THE DURATION OF THIS AGREEMENT IS NOT TO BE LIMITED TO 3 YEARS, MAKE SURE SCHEDULE “A”, “FINANCIAL DISCLOSURE”, IS COMPLETED AND THAT YOU HAVE REVIEWED THE SCHEDULE BEFORE SIGNING THE AGREEMENT. IF YOU AND YOUR SPOUSE HAVE PREVIOUSLY ENTERED INTO A STATUTORY TERMINABLE MARITAL PROPERTY CLASSIFICATION AGREEMENT WITH EACH OTHER WHICH WAS EFFECTIVE DURING YOUR PRESENT MARRIAGE AND YOU AND YOUR SPOUSE DID NOT COMPLETE SCHEDULE “A”, YOU MAY NOT EXECUTE THIS AGREEMENT IF YOU DO NOT COMPLETE SCHEDULE “A”.

Signature of One Spouse: ....

Date: ....

Print Name Here: ....

Residence Address: ....

(Make Sure Your Signature is Authenticated or Acknowledged Below.)

AUTHENTICATION

Signature .... authenticated this .... day of ...., .... (year)

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, .... authorized by s. 706.06, Wis. Stats.)

ACKNOWLEDGMENT
SENATE BILL 327

STATE OF WISCONSIN  

... County  

Personally came before me this .... day of ...., .... (year) the above named .... to me known to be the person who executed the foregoing instrument and acknowledge the same.

*....

Notary Public ...., .... County, Wisconsin.

My Commission is permanent.

(If not, state expiration date: ...., .... (year))

(Signatures may be authenticated or acknowledged. Both are not necessary.)

*Names of persons signing in any capacity should be typed or printed below their signatures.

Signature of Other Spouse: ....

Date: ....

Print Name Here: ....

Residence Address: ....

(Make Sure Your Signature is Authenticated or Acknowledged Below.)

AUTHENTICATION

Signature .... authenticated this .... day of ...., .... (year)

*....

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, .... authorized by s. 706.06, Wis. Stats.)

ACKNOWLEDGMENT
STATE OF WISCONSIN  

... County  

Personally came before me this .... day of ...., .... (year) the above named .... to me known to be the person who executed the foregoing instrument and acknowledge the same.

*....

Notary Public ...., .... County, Wisconsin.

My Commission is permanent.

(If not, state expiration date: ...., .... (year))

(Signatures may be authenticated or acknowledged. Both are not necessary.)

*Names of persons signing in any capacity should be typed or printed below their signatures.

TERMINATION OF STATUTORY TERMINABLE MARITAL PROPERTY CLASSIFICATION AGREEMENT

I UNDERSTAND THAT:

1. THIS TERMINATION TAKES EFFECT 30 DAYS AFTER MY SPOUSE IS NOTIFIED OF THE TERMINATION, AS PROVIDED UNDER SECTION 766.588 (4) OF THE WISCONSIN STATUTES.

2. THIS TERMINATION IS PROSPECTIVE; IT DOES NOT AFFECT THE CLASSIFICATION OF PROPERTY ACQUIRED BEFORE THE TERMINATION BECOMES EFFECTIVE. PROPERTY ACQUIRED AFTER THE TERMINATION BECOMES EFFECTIVE IS CLASSIFIED AS PROVIDED UNDER THE MARITAL PROPERTY LAW.
3. IN GENERAL, THIS TERMINATION IS NOT BINDING ON CREDITORS UNLESS THEY ARE PROVIDED A COPY OF THE TERMINATION BEFORE CREDIT IS EXTENDED.

The undersigned terminates the statutory terminable marital property classification agreement entered into by me and my spouse on .... (date last spouse signed the agreement) under section 766.588 of the Wisconsin Statutes.

Signature: ....

Date: ....

Print Name Here: ....

Residence Address: ....

**SCHEDULE “A”**

**FINANCIAL DISCLOSURE**

The following general categories of assets and liabilities are not all inclusive and if other assets or liabilities exist they should be listed. Assets should be listed according to which spouse has title (including assets owned by a spouse or the spouses with one or more third parties) and at their approximate market value.

_Husband_ _Wife_  _Spouse (Name)_  _Spouse (Name)_  _Both Names_

**I. ASSETS**

A. Real estate (gross value)

B. Stocks, bonds and mutual funds

C. Accounts at and certificates or other instruments issued by financial institutions

D. Mortgages, land contracts, promissory notes and cash

E. Partnership interests
EL. Limited liability company interests.

F. Trust interests

G. Livestock, farm products, crops

H. Automobiles and other vehicles

I. Jewelry and personal effects

J. Household furnishings

K. Life insurance and annuities:
   1. Face value
   2. Cash surrender value

L. Retirement benefits (include value):
   1. Pension plans
   2. Profit sharing plans
   3. HR-10 KEOGH plans
   4. IRAs
   5. Deferred compensation plans

M. Other assets not listed elsewhere

II. OBLIGATIONS (TOTAL OUTSTANDING BALANCE):

A. Mortgages and liens

B. Credit cards

C. Other obligations to financial institutions

D. Alimony, maintenance and child support (per month)

E. Other obligations (such as other obligations to individuals, guarantees, contingent liabilities)
III. **Annual Compensation for Services:**

(for example, wages and income from

self-employment; also include social security,

disability and similar income here)

(IF YOU NEED ADDITIONAL SPACE,

ADD ADDITIONAL SHEETS)

**SECTION 115.** 766.589 (10) (form) 14. of the statutes is amended to read:

766.589 (10) (form) 14. IF AFTER ENTERING INTO THIS AGREEMENT
ONE OR BOTH OF YOU ESTABLISH A DOMICILE OUTSIDE THIS STATE, YOU
ARE URGED TO SEEK LEGAL ADVICE CONCERNING THE CONTINUED
EFFECTIVENESS OF THIS AGREEMENT.

**Statutory Terminable Individual**

**Property Classification Agreement**

(Pursuant to Section 766.589, Wisconsin Statutes)

This agreement is entered into by .... and .... (husband and wife who are
married) (who intend to marry) (strike one). The parties hereby classify the marital
property owned by them when this agreement becomes effective, and property
acquired during the term of this agreement which that would otherwise have been
marital property, as the individual property of the owning spouse. The parties agree
that ownership of such property shall be determined by the name in which the
property is held and, if property is not held by either or both spouses, ownership shall
be determined as if the parties were unmarried persons when the property was
acquired.

Upon the death of either spouse the surviving spouse may, except as otherwise
provided in a subsequent marital property agreement, and regardless of whether
this agreement has terminated, elect against the property of the decedent spouse as
provided in section 766.589 (7) of the Wisconsin Statutes.

One spouse may terminate this agreement at any time by giving signed notice
of termination to the other spouse. Notice of termination by a spouse is given upon
personal delivery or when sent by certified mail to the other spouse’s last-known
address. The agreement terminates 30 days after such notice is given.

The parties (have) (have not) (strike one) completed Schedule “A”, “Financial
Disclosure”, attached to this agreement. If Schedule “A” has not been completed, the
duration of this agreement is 3 years after both parties have signed the agreement.
If Schedule “A” has been completed, the duration of this agreement is not limited to
3 years after it is signed.

IF THE DURATION OF THIS AGREEMENT IS NOT TO BE LIMITED TO 3
YEARS, MAKE SURE THAT SCHEDULE “A”, “FINANCIAL DISCLOSURE”, IS
COMPLETED AND THAT YOU HAVE REVIEWED THE SCHEDULE BEFORE
SIGNING THE AGREEMENT. IF YOU AND YOUR SPOUSE HAVE PREVIOUSLY
ENTERED INTO A STATUTORY TERMINABLE INDIVIDUAL PROPERTY
CLASSIFICATION AGREEMENT WITH EACH OTHER WHICH WAS
EFFECTIVE DURING YOUR PRESENT MARRIAGE AND YOU AND YOUR
SPOUSE DID NOT COMPLETE SCHEDULE “A”, YOU MAY NOT EXECUTE THIS
AGREEMENT IF YOU DO NOT COMPLETE SCHEDULE “A”.

Signature of One Spouse: ....
Date: ....
Print Name Here: ....
Residence Address: ....
(Make Sure Your Signature is Authenticated or Acknowledged Below.)
SENATE BILL 327

AUTHENTICATION

Signature .... authenticated this .... day of ...., .... (year)

*....

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, .... authorized by s. 706.06, Wis. Stats.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

) ss.

.... County

Personally came before me this .... day of ...., .... (year) the above named .... to
me known to be the person who executed the foregoing instrument and acknowledge
the same.

*....

Notary Public ...., .... County, Wisconsin.

My Commission is permanent.

(If not, state expiration date: ...., .... (year))

(Signatures may be authenticated or
acknowledged. Both are not necessary.)

*Names of persons signing in any capacity should be
typed or printed below their signatures.

Signature of Other Spouse: ....

Date: ....

Print Name Here: ....

Residence Address: ....

(Make Sure Your Signature is Authenticated or Acknowledged Below.)
1 AUTHENTICATION

2 Signature .... authenticated this .... day of ...., .... (year)

3 *....

4 TITLE: MEMBER STATE BAR OF WISCONSIN

5 (If not, .... authorized by s. 706.06, Wis. Stats.)

6 ACKNOWLEDGMENT

7 STATE OF WISCONSIN

8 ) ss.

9 .... County

10 Personally came before me this .... day of ...., .... (year) the above named .... to

11 me known to be the person who executed the foregoing instrument and acknowledge

12 the same.

13 *....

14 Notary Public ...., .... County, Wisconsin.

15 My Commission is permanent.

16 (If not, state expiration date: ...., .... (year))

17 (Signatures may be authenticated or

18 acknowledged. Both are not necessary.)

19 *Names of persons signing in any capacity should

20 be typed or printed below their signatures.

21 TERMINATION OF

22 STATUTORY TERMINABLE INDIVIDUAL

23 PROPERTY CLASSIFICATION AGREEMENT

24 I UNDERSTAND THAT:
1. THIS TERMINATION TAKES EFFECT 30 DAYS AFTER MY SPOUSE IS
   NOTIFIED OF THE TERMINATION, AS PROVIDED UNDER SECTION 766.589
   (4) OF THE WISCONSIN STATUTES.

2. THIS TERMINATION IS PROSPECTIVE; IT DOES NOT AFFECT THE
   CLASSIFICATION OF PROPERTY ACQUIRED BEFORE THE TERMINATION
   BECOMES EFFECTIVE. PROPERTY ACQUIRED AFTER THE TERMINATION
   BECOMES EFFECTIVE IS CLASSIFIED AS PROVIDED UNDER THE MARITAL
   PROPERTY LAW.

3. IN GENERAL, THIS TERMINATION IS NOT BINDING ON CREDITORS
   UNLESS THEY ARE PROVIDED A COPY OF THE TERMINATION BEFORE
   CREDIT IS EXTENDED.

The undersigned terminates the statutory terminable individual property
classification agreement entered into by me and my spouse on .... (date last spouse
signed the agreement) under section 766.589 of the Wisconsin Statutes.

Signature: ....

Date: ....

Print Name Here: ....

Residence Address: ....

SCHEDULE “A”

FINANCIAL DISCLOSURE

The following general categories of assets and liabilities are not all inclusive
and if other assets or liabilities exist they should be listed. Assets should be listed
according to which spouse has title (including assets owned by a spouse or the
spouses with one or more third parties) and at their approximate market value.

Husband  Wife  Spouse (Name)  Spouse (Name)  Both Names
I. ASSETS

A. Real estate (gross value)
B. Stocks, bonds and mutual funds
C. Accounts at and certificates and other instruments issued by financial institutions
D. Mortgages, land contracts, promissory notes and cash
E. Partnership interests
EL. Limited liability company interests
F. Trust interests
G. Livestock, farm products, crops
H. Automobiles and other vehicles
I. Jewelry and personal effects
J. Household furnishings
K. Life insurance and annuities:
   1. Face value
   2. Cash surrender value
L. Retirement benefits (include value):
   1. Pension plans
   2. Profit sharing plans
   3. HR–10 KEOGH plans
   4. IRAs
   5. Deferred compensation plans
M. Other assets not listed elsewhere

II. OBLIGATIONS (TOTAL OUTSTANDING BALANCE):
SENATE BILL 327

SECTION 115

A. Mortgages and liens
B. Credit cards
C. Other obligations to financial institutions
D. Alimony, maintenance and child support (per month)
E. Other obligations (such as other obligations to individuals, guarantees, contingent liabilities)

III. ANNUAL COMPENSATION FOR SERVICES:

(for example, wages and income from self-employment; also include social security, disability and similar income here)

(IF YOU NEED ADDITIONAL SPACE, ADD ADDITIONAL SHEETS.)

SECTION 116. 767.215 (2) (b) of the statutes is amended to read:

767.215 (2) (b) The name and birthdate of each minor child of the parties and each other child born to the wife a party during the marriage, and whether the wife a party is pregnant.

SECTION 117. 767.215 (5) (a) 2. of the statutes is amended to read:

767.215 (5) (a) 2. The name, date of birth, and social security number of each minor child of the parties and of each child who was born to the wife a party during the marriage and who is a minor.

SECTION 118. 767.323 of the statutes is amended to read:

767.323 Suspension of proceedings to effect reconciliation. During the pendency of an action for divorce or legal separation, the court may, upon written
stipulation of both parties that they desire to attempt a reconciliation, enter an order
suspending any and all orders and proceedings for such period, not exceeding 90
days, as the court determines advisable to permit the parties to attempt a
reconciliation without prejudice to their respective rights. During the suspension
period, the parties may resume living together as a married couple and their acts and conduct do not constitute an admission that the marriage is not
irretrievably broken or a waiver of the ground that the parties have voluntarily lived
apart continuously for 12 months or more immediately prior to the commencement
of the action. Suspension may be revoked upon the motion of either party by an order
of the court. If the parties become reconciled, the court shall dismiss the action. If
the parties are not reconciled after the period of suspension, the action shall proceed
as though no reconciliation period was attempted.

SECTION 119. 767.80 (1) (intro.) of the statutes is amended to read:

767.80 (1) WHO MAY BRING ACTION OR FILE MOTION. (intro.) The following persons
may bring an action or file a motion, including an action or motion for declaratory
judgment, for the purpose of determining the paternity of a child or for the purpose
of rebutting the presumption of paternity under s. 891.405 or the presumption of
parentage under s. 891.41 (1):

SECTION 120. 767.80 (1) (c) of the statutes is amended to read:

767.80 (1) (c) Unless s. 767.805 (1) applies, a male presumed to be the child’s
father under s. 891.405 or a person presumed to be the child’s parent under s. 891.41
(1).

SECTION 121. 767.80 (2) of the statutes is amended to read:

767.80 (2) CERTAIN AGREEMENTS NOT A BAR TO ACTION. Regardless of its terms,
an agreement made after July 1, 1981, other than an agreement approved by the
court between an alleged father or presumed father and the mother or child, does not bar an action under this section. Whenever the court approves an agreement in which one of the parties agrees not to commence an action under this section, the court shall first determine whether or not the agreement is in the best interest of the child. The court shall not approve any provision waiving the right to bring an action under this section if this provision is contrary to the best interests of the child.

**SECTION 122.** 767.855 of the statutes is amended to read:

**767.855 Dismissal if adjudication not in child's best interest.** Except as provided in s. 767.863 (1m), at any time in an action to establish the paternity of a child, upon the motion of a party or guardian ad litem or the child's mother if she is not a party, the court or supplemental court commissioner under s. 757.675 (2) (g) may, with respect to a male, refuse to order genetic tests, if genetic tests have not yet been taken, and dismiss the action if the court or supplemental court commissioner determines that a judicial determination of whether the male is the father of the child is not in the best interest of the child.

**SECTION 123.** 767.863 (1m) of the statutes is amended to read:

**767.863 (1m) Paternity allegation by male person other than husband spouse; when determination not in best interest of child.** In an action to establish the paternity of a child who was born to a woman while she was married, if a male person other than the woman's husband spouse alleges that he, not the husband woman's spouse, is the child's father biological parent, a party, or the woman if she is not a party, may allege that a judicial determination that a male person other than the husband woman's spouse is the father biological parent is not in the best interest of the child. If the court or a supplemental court commissioner under s. 757.675 (2)
(g) determines that a judicial determination of whether a male person other than the husband woman's spouse is the father biological parent is not in the best interest of the child, no genetic tests may be ordered and the action shall be dismissed.

SECTION 124. 767.87 (1m) (intro.) of the statutes is amended to read:

767.87 (1m) BIRTH RECORD REQUIRED. (intro.) If the child was born in this state, the petitioner shall present a certified copy of the child's birth certificate or a printed copy of the record from the birth database of the state registrar to the court, so that the court is aware of whether a name has been inserted on the birth certificate as the father parent of the child other than the mother, at the earliest possible of the following:

SECTION 125. 767.87 (8) of the statutes is amended to read:

767.87 (8) BURDEN OF PROOF. The party bringing an action for the purpose of determining paternity or for the purpose of declaring the nonexistence of paternity presumed under s. 891.405 or the nonexistence of parentage presumed under s. 891.41 (1) shall have the burden of proving the issues involved by clear and satisfactory preponderance of the evidence.

SECTION 126. 767.883 (1) of the statutes is amended to read:

767.883 (1) TWO PARTS. The trial shall be divided into 2 parts, the first part dealing with the determination of paternity and the 2nd part dealing with child support, legal custody, periods of physical placement, and related issues. The main
issue at the first part shall be whether the alleged or presumed father is or is not the
father of the mother’s child, but if the child was born to the mother while she was the
lawful wife spouse of a specified male person, the prior issue of whether the husband
mother’s spouse was not the father parent of the child shall be determined first, as
provided under s. 891.39. The first part of the trial shall be by jury only if the
defendant verbally requests a jury trial either at the initial appearance or pretrial
hearing or requests a jury trial in writing prior to the pretrial hearing. The court may
direct and, if requested by either party before the introduction of any testimony in
the party’s behalf, shall direct the jury to find a special verdict as to any of the issues
specified in this section, except that the court shall make all of the findings
enumerated in s. 767.89 (2) to (4). If the mother is dead, becomes insane, cannot be
found within the jurisdiction, or fails to commence or pursue the action, the
proceeding does not abate if any of the persons under s. 767.80 (1) makes a motion
to continue. The testimony of the mother taken at the pretrial hearing may in any
such case be read in evidence if it is competent, relevant, and material. The issues
of child support, custody, and visitation, and related issues shall be determined by
the court either immediately after the first part of the trial or at a later hearing before
the court.

SECTION 128. 769.316 (9) of the statutes is amended to read:
769.316 (9) The defense of immunity based on the relationship of husband and
wife between spouses or parent and child does not apply in a proceeding under this
chapter.

SECTION 129. 769.401 (2) (a) of the statutes is amended to read:
769.401 (2) (a) A presumed father parent of the child.

SECTION 130. 769.401 (2) (g) of the statutes is amended to read:
769.401 (2) (g) The mother A parent of the child.

**SECTION 130.** 815.20 (1) of the statutes is amended to read:

815.20 (1) An exempt homestead as defined in s. 990.01 (14) selected by a resident owner and occupied by him or her shall be exempt from execution, from the lien of every judgment, and from liability for the debts of the owner to the amount of $75,000, except mortgages, laborers', mechanics', and purchase money liens, and taxes, and except as otherwise provided. The exemption shall not be impaired by temporary removal with the intention to reoccupy the premises as a homestead nor by the sale of the homestead, but shall extend to the proceeds derived from the sale to an amount not exceeding $75,000, while held, with the intention to procure another homestead with the proceeds, for 2 years. The exemption extends to land owned by husband and wife spouses jointly or in common or as marital property, and each spouse may claim a homestead exemption of not more than $75,000. The exemption extends to the interest therein of tenants in common, having a homestead thereon with the consent of the cotenants, and to any estate less than a fee.

**SECTION 132.** 822.40 (4) of the statutes is amended to read:

822.40 (4) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife between spouses or parent and child may not be invoked in a proceeding under this subchapter.

**SECTION 133.** 851.30 (2) (a) of the statutes is amended to read:

851.30 (2) (a) An individual who obtains or consents to a final decree or judgment of divorce from the decedent or an annulment of their marriage, if the decree or judgment is not recognized as valid in this state, unless they subsequently
Section 133. Section 133. Participation in a marriage ceremony purporting to marry each other or they subsequently hold themselves out as husband and wife married to each other.

Section 134. 852.01 (1) (f) 1. of the statutes is amended to read:

852.01 (1) (f) 1. One-half to the maternal grandparents on one side equally if both survive, or to the surviving maternal grandparent on that side; if both maternal grandparents on that side are deceased, to the issue of the maternal grandparents on that side or either of them, per stirpes.

Section 135. 852.01 (1) (f) 2. of the statutes is amended to read:

852.01 (1) (f) 2. One-half to the paternal relations on the other side in the same manner as to the maternal relations under subd. 1.

Section 136. 852.01 (1) (f) 3. of the statutes is amended to read:

852.01 (1) (f) 3. If either the maternal side or the paternal side has no surviving grandparent or issue of a grandparent, the entire estate to the decedent’s relatives on the other side.

Section 137. 854.03 (3) of the statutes is amended to read:

854.03 (3) Marital property. Except as provided in subs. (4) and (5), if a husband and wife 2 spouses die leaving marital property and it is not established that one survived the other by at least 120 hours, 50 percent of the marital property shall be distributed as if it were the husband’s 1st spouse’s individual property and the husband 2nd spouse had survived, and 50 percent of the marital property shall be distributed as if it were the wife’s 2nd spouse’s individual property and the wife 1st spouse had survived.

Section 138. 891.39 (title) of the statutes is amended to read:

891.39 (title) Presumption as to whether a child is marital or nonmarital; self-incrimination self-incrimination; birth certificates.
SECTION 139. 891.39 (1) (a) of the statutes is amended to read:

891.39 (1) (a) Whenever it is established in an action or proceeding that a child was born to a woman while she was the lawful wife of legally married to a specified man person, any party asserting in such action or proceeding that the husband was spouse is not the father parent of the child shall have the burden of proving that assertion by a clear and satisfactory preponderance of the evidence. In all such actions or proceedings the husband and the wife spouses are competent to testify as witnesses to the facts. The court or judge in such cases shall appoint a guardian ad litem to appear for and represent the child whose paternity parentage is questioned. Results of a genetic test, as defined in s. 767.001 (1m), showing that a man person other than the husband mother’s spouse is not excluded as the father of the child and that the statistical probability of the man’s person’s parentage is 99.0 percent or higher constitute a clear and satisfactory preponderance of the evidence of the assertion under this paragraph, even if the husband mother’s spouse is unavailable to submit to genetic tests, as defined in s. 767.001 (1m).

SECTION 140. 891.39 (1) (b) of the statutes is amended to read:

891.39 (1) (b) In actions affecting the family, in which the question of paternity parentage is raised, and in paternity proceedings, the court, upon being satisfied that the parties to the action are unable to adequately compensate any such guardian ad litem for the guardian ad litem’s services and expenses, shall then make an order specifying the guardian ad litem’s compensation and expenses, which compensation and expenses shall be paid as provided in s. 967.06. If the court orders a county to pay the compensation of the guardian ad litem, the amount ordered may not exceed the compensation paid to private attorneys under s. 977.08 (4m) (b).

SECTION 141. 891.39 (3) of the statutes is amended to read:
891.39 (3) If any court under this section adjudges a child to be a nonmarital child, the clerk of court shall report the facts to the state registrar, who shall issue a new birth certificate showing the correct facts as found by the court, and shall dispose of the original, with the court’s report attached under s. 69.15 (3). If the husband mother’s spouse is a party to the action and the court makes a finding as to whether or not the husband mother’s spouse is the father parent of the child, such finding shall be conclusive in all other courts of this state.

SECTION 142. 891.40 (1) of the statutes is renumbered 891.40 (1) (a) and amended to read:

891.40 (1) (a) If, under the supervision of a licensed physician and with the consent of her husband spouse, a woman is inseminated artificially as provided in par. (b) with semen donated by a man who is not her husband spouse, the husband spouse of the mother at the time of the conception of the child shall be the natural father parent of a child conceived. The husband’s spouse’s consent must be in writing and signed by him or her and his wife. The by the mother.

(c) 1. If the artificial insemination under par. (a) takes place under the supervision of a licensed physician, the physician shall certify their the signatures on the consent and the date of the insemination, and shall file the husband’s spouse’s consent with the department of health services, where it shall be kept. If the artificial insemination under par. (a) does not take place under the supervision of a licensed physician, the spouses shall file the signed consent, which shall include the date of the insemination, with the department of health services.

2. The department of health services shall keep a consent filed under subd. 1. confidential and in a sealed file except as provided in s. 46.03 (7) (bm). However,
3. Notwithstanding subd. 1., the physician’s or spouses’ failure to file the consent form does not affect the legal status of father natural parent and child.

(d) All papers and records pertaining to the artificial insemination under par. (a), whether part of the permanent record of a court or of a file held by the a supervising physician or sperm bank or elsewhere, may be inspected only upon an order of the court for good cause shown.

SECTION 143. 891.40 (1) (b) of the statutes is created to read:

891.40 (1) (b) The artificial insemination under par. (a) must satisfy any of the following:

1. The artificial insemination takes place under the supervision of a licensed physician.

2. The semen used for the insemination is obtained from a sperm bank.

SECTION 144. 891.40 (2) of the statutes is amended to read:

891.40 (2) The donor of semen provided to a licensed physician or obtained from a sperm bank for use in the artificial insemination of a woman other than the donor’s wife spouse is not the natural father parent of a child conceived, bears no liability for the support of the child, and has no parental rights with regard to the child.

SECTION 145. 891.40 (3) of the statutes is created to read:

891.40 (3) This section applies with respect to children conceived before, on, or after the effective date of this subsection .... [LRB inserts date], as a result of artificial insemination.

SECTION 146. 891.41 (title) of the statutes is amended to read:

891.41 (title) Presumption of paternity parentage based on marriage of the parties.

SECTION 147. 891.41 (1) (intro.) of the statutes is amended to read:
891.41 (1) (intro.) A man person is presumed to be the natural father parent of a child if any of the following applies:

**SECTION 148.** 891.41 (1) (a) of the statutes is amended to read:

891.41 (1) (a) He The person and the child's natural mother are or have been married to each other and the child is conceived or born after marriage and before the granting of a decree of legal separation, annulment, or divorce between the parties.

**SECTION 149.** 891.41 (1) (b) of the statutes is renumbered 891.41 (1) (b) (intro.) and amended to read:

891.41 (1) (b) (intro.) He The person and the child's natural mother were married to each other after the child was born but He the person and the child's natural mother had a relationship with one another during the period of time within which the child was conceived and no other all of the following apply:

1. No man has been adjudicated to be the father of.

2. No other person is presumed to be the father parent of the child under par. (a).

**SECTION 150.** 891.41 (2) of the statutes is amended to read:

891.41 (2) In a legal action or proceeding, a presumption under sub. (1) is rebutted by results of a genetic test, as defined in s. 767.001 (1m), that show that a man person other than the man person presumed to be the father parent under sub. (1) is not excluded as the father of the child and that the statistical probability of the man's person's parentage is 99.0 percent or higher, even if the man person presumed to be the father natural parent under sub. (1) is unavailable to submit to genetic tests, as defined in s. 767.001 (1m).

**SECTION 151.** 891.41 (3) of the statutes is created to read:
891.41 (3) This section applies with respect to children born before, on, or after the effective date of this subsection .... [LRB inserts date].

SECTION 152. 905.05 (title) of the statutes is amended to read:

905.05 (title) Husband-wife Spousal and domestic partner privilege.

SECTION 153. 938.02 (13) of the statutes is amended to read:

938.02 (13) “Parent” means a biological natural parent, a husband who has consented to the artificial insemination of his wife under s. 891.40, or a parent by adoption. If the juvenile is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, “parent” includes a person acknowledged under s. 767.805 or a substantially similar law of another state or adjudicated to be the biological father. “Parent” does not include any person whose parental rights have been terminated. For purposes of the application of s. 938.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, “parent” means a biological natural parent of an Indian child, an Indian husband spouse who has consented to the artificial insemination of his wife or her spouse under s. 891.40, or an Indian person who has lawfully adopted an Indian juvenile, including an adoption under tribal law or custom, and includes, in the case of a nonmarital Indian child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, a person acknowledged under s. 767.805, a substantially similar law of another state, or tribal law or custom to be the biological father or a person adjudicated to be the biological father, but does not include any person whose parental rights have been terminated.

SECTION 154. 938.396 (2g) (g) of the statutes is amended to read:

938.396 (2g) (g) Paternity of juvenile. Upon request of a court having jurisdiction over actions affecting the family, an attorney responsible for support
enforcement under s. 59.53 (6) (a) or a party to a paternity proceeding under subch. IX of ch. 767, the party's attorney or the guardian ad litem for the juvenile who is the subject of that proceeding to review or be provided with information from the records of the court assigned to exercise jurisdiction under this chapter and ch. 48 relating to the paternity of a juvenile for the purpose of determining the paternity of the juvenile or for the purpose of rebutting the presumption of paternity under s. 891.405 or the presumption of parentage under s. 891.41, the court assigned to exercise jurisdiction under this chapter and ch. 48 shall open for inspection by the requester its records relating to the paternity of the juvenile or disclose to the requester those records.

**SECTION 155.** 943.20 (2) (c) of the statutes is amended to read:

943.20 (2) (c) “Property of another” includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife married to each other.

**SECTION 156.** 943.201 (1) (b) 8. of the statutes is amended to read:

943.201 (1) (b) 8. The maiden name surname of an individual’s mother parent before marriage if the surname was changed as a result of marriage.

**SECTION 157.** 943.205 (2) (b) of the statutes is amended to read:

943.205 (2) (b) “Owner” includes a co-owner of the person charged and a partnership of which the person charged is a member, unless the person charged and the victim are husband and wife married to each other.

**SECTION 158.** 990.01 (22m) of the statutes is created to read:

990.01 (22m) **Natural parent.** “Natural parent” means a parent of a child who is not an adoptive parent, whether the parent is biologically related to the child or not.
SECTION 159. 990.01 (39) of the statutes is created to read:

990.01 (39) Spouses. “Spouses” means 2 individuals of the same sex or different sexes who are legally married to each other.

SECTION 160. 990.01 (40m) of the statutes is created to read:

990.01 (40m) Stepparent. “Stepparent” means a person who is the spouse of a child’s parent and who is not also a parent of the child.

SECTION 161. Nonstatutory provisions.

(1) LEGISLATIVE INTENT. The legislature intends this act to harmonize the language of the Wisconsin statutes relating to marriage and the determination of parentage with the provision of section 990.001 (2) of the statutes, which specifies that words importing one gender extend and may be applied to any gender. The legislature intends that by amending the statutes relating to marriage and the determination of parentage with respect to married couples to use gender neutral language where appropriate so as to clarify that the same statutory rights and responsibilities apply between married persons of the same sex as between married persons of different sexes and to extend some of the presumptions of paternity to either parent, the Wisconsin statutes will be better aligned with the holding of the U.S. Supreme Court in Obergefell v. Hodges, 135 S. Ct. 2584, 192 L.Ed.2d 609 (2015), which recognizes that same-sex couples have a fundamental constitutional right to marriage.