

ASSEMBLY BILL 417

1

I. ASSETS



2

A. Real estate (gross value)

3

B. Stocks, bonds and mutual funds

4

C. Accounts at and certificates and other

5

instruments issued by financial institutions

6

D. Mortgages, land contracts, promissory notes

7

and cash

8

E. Partnership interests

9

EL. Limited liability company interests

10

F. Trust interests

11

G. Livestock, farm products, crops

12

H. Automobiles and other vehicles

13

I. Jewelry and personal effects

14

J. Household furnishings

15

K. Life insurance and annuities:

16

1. Face value

17

2. Cash surrender value

18

L. Retirement benefits (include value):

19

1. Pension plans

20

2. Profit sharing plans

21

3. HR-10 KEOGH plans

22

4. IRAs

23

5. Deferred compensation plans

24

M. Other assets not listed elsewhere

25

II. OBLIGATIONS (TOTAL OUTSTANDING BALANCE):

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

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

14 767.80 (1) WHO MAY BRING ACTION OR FILE MOTION. (intro.) The following persons
15 may bring an action or file a motion, including an action or motion for declaratory
16 judgment, for the purpose of determining the paternity of a child or for the purpose
17 of rebutting the presumption of paternity under s. 891.405 or the presumption of
18 parentage under s. 891.41 (1):

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

20 767.80 (1) (c) Unless s. 767.805 (1) applies, a male presumed to be the child's
21 father under s. 891.405 or a person presumed to be the child's parent under s. 891.41
22 (1).

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

24 767.80 (2) CERTAIN AGREEMENTS NOT A BAR TO ACTION. Regardless of its terms,
25 an agreement made after July 1, 1981, other than an agreement approved by the

ASSEMBLY BILL 417**SECTION 121**

1 court between an alleged father or presumed father parent and the mother or child,
2 does not bar an action under this section. Whenever the court approves an
3 agreement in which one of the parties agrees not to commence an action under this
4 section, the court shall first determine whether or not the agreement is in the best
5 interest of the child. The court shall not approve any provision waiving the right to
6 bring an action under this section if this provision is contrary to the best interests
7 of the child.

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

9 **767.855 Dismissal if adjudication not in child's best interest.** Except as
10 provided in s. 767.863 (1m), at any time in an action to establish the paternity of a
11 child, upon the motion of a party or guardian ad litem or the child's mother if she is
12 not a party, the court or supplemental court commissioner under s. 757.675 (2) (g)
13 may, with respect to a male, refuse to order genetic tests, if genetic tests have not yet
14 been taken, and dismiss the action if the court or supplemental court commissioner
15 determines that a judicial determination of whether the male is the father of the
16 child is not in the best interest of the child.

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

18 **767.863 (1m) PATERNITY ALLEGATION BY MALE PERSON OTHER THAN HUSBAND**
19 **SPOUSE; WHEN DETERMINATION NOT IN BEST INTEREST OF CHILD.** In an action to establish
20 the paternity of a child who was born to a woman while she was married, if a male
21 person other than the woman's husband spouse alleges that he, not the husband
22 woman's spouse, is the child's father biological parent, a party, or the woman if she
23 is not a party, may allege that a judicial determination that a male person other than
24 the husband woman's spouse is the father biological parent is not in the best interest
25 of the child. If the court or a supplemental court commissioner under s. 757.675 (2)

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1 (g) determines that a judicial determination of whether a ~~male person~~ other than the
2 husband ~~woman's spouse~~ is the ~~father~~ biological parent is not in the best interest of
3 the child, no genetic tests may be ordered and the action shall be dismissed.

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

5 767.87 (1m) BIRTH RECORD REQUIRED. (intro.) If the child was born in this state,
6 the petitioner shall present a certified copy of the child's birth certificate or a printed
7 copy of the record from the birth database of the state registrar to the court, so that
8 the court is aware of whether a name has been inserted on the birth certificate as the
9 father parent of the child other than the mother, at the earliest possible of the
10 following:

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

12 767.87 (8) BURDEN OF PROOF. The party bringing an action for the purpose of
13 determining paternity or for the purpose of declaring the nonexistence of paternity
14 presumed under s. 891.405 or the nonexistence of parentage presumed under s.
15 891.41 (1) shall have the burden of proving the issues involved by clear and
16 satisfactory preponderance of the evidence.

17 **SECTION 126.** 767.87 (9) of the statutes is amended to read:

18 767.87 (9) ARTIFICIAL INSEMINATION; NATURAL FATHER PARENT. ~~Where~~ If a child
19 is conceived by artificial insemination, the ~~husband spouse~~ of the mother of the child
20 at the time of the conception of the child is the natural father parent of the child, as
21 provided in s. 891.40.

22 **SECTION 127.** 767.883 (1) of the statutes is amended to read:

23 767.883 (1) TWO PARTS. The trial shall be divided into 2 parts, the first part
24 dealing with the determination of paternity and the 2nd part dealing with child
25 support, legal custody, periods of physical placement, and related issues. The main

ASSEMBLY BILL 417**SECTION 127**

1 issue at the first part shall be whether the alleged or presumed father is or is not the
2 father of the mother's child, but if the child was born to the mother while she was the
3 lawful ~~wife~~ spouse of a specified ~~male~~ person, the prior issue of whether the ~~husband~~
4 mother's spouse was not the ~~father~~ parent of the child shall be determined first, as
5 provided under s. 891.39. The first part of the trial shall be by jury only if the
6 defendant verbally requests a jury trial either at the initial appearance or pretrial
7 hearing or requests a jury trial in writing prior to the pretrial hearing. The court may
8 direct and, if requested by either party before the introduction of any testimony in
9 the party's behalf, shall direct the jury to find a special verdict as to any of the issues
10 specified in this section, except that the court shall make all of the findings
11 enumerated in s. 767.89 (2) to (4). If the mother is dead, becomes insane, cannot be
12 found within the jurisdiction, or fails to commence or pursue the action, the
13 proceeding does not abate if any of the persons under s. 767.80 (1) makes a motion
14 to continue. The testimony of the mother taken at the pretrial hearing may in any
15 such case be read in evidence if it is competent, relevant, and material. The issues
16 of child support, custody, and visitation, and related issues shall be determined by
17 the court either immediately after the first part of the trial or at a later hearing before
18 the court.

19 **SECTION 128.** 769.316 (9) of the statutes is amended to read:

20 769.316 (9) The defense of immunity based on the relationship of ~~husband and~~
21 wife between spouses or parent and child does not apply in a proceeding under this
22 chapter.

23 **SECTION 129.** 769.401 (2) (a) of the statutes is amended to read:

24 769.401 (2) (a) A presumed ~~father~~ parent of the child.

25 **SECTION 130.** 769.401 (2) (g) of the statutes is amended to read:

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1 769.401 (2) (g) ~~The mother~~ A parent of the child.

2 **SECTION 131.** 815.20 (1) of the statutes is amended to read:

3 815.20 (1) An exempt homestead as defined in s. 990.01 (14) selected by a
4 resident owner and occupied by him or her shall be exempt from execution, from the
5 lien of every judgment, and from liability for the debts of the owner to the amount
6 of \$75,000, except mortgages, laborers', mechanics', and purchase money liens, and
7 taxes, and except as otherwise provided. The exemption shall not be impaired by
8 temporary removal with the intention to reoccupy the premises as a homestead nor
9 by the sale of the homestead, but shall extend to the proceeds derived from the sale
10 to an amount not exceeding \$75,000, while held, with the intention to procure
11 another homestead with the proceeds, for 2 years. The exemption extends to land
12 owned by ~~husband and wife~~ spouses jointly or in common or as marital property, and
13 each spouse may claim a homestead exemption of not more than \$75,000. The
14 exemption extends to the interest therein of tenants in common, having a homestead
15 thereon with the consent of the cotenants, and to any estate less than a fee.

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

17 822.40 (4) A privilege against disclosure of communications between spouses
18 and a defense of immunity based on the relationship of ~~husband and wife~~ between
19 spouses or parent and child may not be invoked in a proceeding under this
20 subchapter.

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

22 851.30 (2) (a) An individual who obtains or consents to a final decree or
23 judgment of divorce from the decedent or an annulment of their marriage, if the
24 decree or judgment is not recognized as valid in this state, unless they subsequently

ASSEMBLY BILL 417**SECTION 133**

1 participate in a marriage ceremony purporting to marry each other or they
2 subsequently hold themselves out as ~~husband and wife~~ married to each other.

3 **SECTION 134.** 852.01 (1) (f) 1. of the statutes is amended to read:

4 852.01 (1) (f) 1. One-half to the ~~maternal~~ grandparents on one side equally if
5 both survive, or to the surviving ~~maternal~~ grandparent on that side; if both ~~maternal~~
6 grandparents on that side are deceased, to the issue of the ~~maternal~~ grandparents
7 on that side or either of them, per stirpes.

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

9 852.01 (1) (f) 2. One-half to the ~~paternal~~ relations on the other side in the same
10 manner as to the ~~maternal~~ relations under subd. 1.

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

12 852.01 (1) (f) 3. If either ~~the maternal side or the paternal side~~ has no surviving
13 grandparent or issue of a grandparent, the entire estate to the decedent's relatives
14 on the other side.

15 **SECTION 137.** 854.03 (3) of the statutes is amended to read:

16 854.03 (3) MARITAL PROPERTY. Except as provided in subs. (4) and (5), if ~~a~~
17 ~~husband and wife~~ 2 spouses die leaving marital property and it is not established
18 that one survived the other by at least 120 hours, 50 percent of the marital property
19 shall be distributed as if it were ~~the husband's~~ the first spouse's individual property
20 and the ~~husband~~ 2nd spouse had survived, and 50 percent of the marital property
21 shall be distributed as if it were the ~~wife's~~ 2nd spouse's individual property and the
22 ~~wife~~ first spouse had survived.

23 **SECTION 138.** 891.39 (title) of the statutes is amended to read:

24 **891.39 (title) Presumption as to whether a child is marital or**
25 **~~nonmarital; self-erimination~~ self-incrimination; birth certificates.**

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1 **SECTION 139.** 891.39 (1) (a) of the statutes is amended to read:

2 891.39 (1) (a) Whenever it is established in an action or proceeding that a child
3 was born to a woman while she was ~~the lawful wife of~~ legally married to a specified
4 ~~man person~~, any party asserting in such action or proceeding that the ~~husband was~~
5 spouse is not the ~~father parent~~ of the child shall have the burden of proving that
6 assertion by a clear and satisfactory preponderance of the evidence. In all such
7 actions or proceedings the ~~husband and the wife~~ spouses are competent to testify as
8 witnesses to the facts. The court or judge in such cases shall appoint a guardian ad
9 litem to appear for and represent the child whose ~~paternity parentage~~ is questioned.
10 Results of a genetic test, as defined in s. 767.001 (1m), showing that a ~~man person~~
11 other than the ~~husband~~ mother's spouse is not excluded as the father of the child and
12 that the statistical probability of the ~~man's person's~~ parentage is 99.0 percent or
13 higher constitute a clear and satisfactory preponderance of the evidence of the
14 assertion under this paragraph, even if the ~~husband~~ mother's spouse is unavailable
15 to submit to genetic tests, as defined in s. 767.001 (1m).

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

17 891.39 (1) (b) In actions affecting the family, in which the question of paternity
18 parentage is raised, and in paternity proceedings, the court, upon being satisfied that
19 the parties to the action are unable to adequately compensate any such guardian ad
20 litem for the guardian ad litem's services and expenses, shall then make an order
21 specifying the guardian ad litem's compensation and expenses, which compensation
22 and expenses shall be paid as provided in s. 967.06. If the court orders a county to
23 pay the compensation of the guardian ad litem, the amount ordered may not exceed
24 the compensation paid to private attorneys under s. 977.08 (4m) (b).

25 **SECTION 141.** ~~891.39 (3)~~ of the statutes is amended to read:

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SECTION 141

1 891.39 (3) If any court under this section adjudges a child to be a nonmarital
2 child, the clerk of court shall report the facts to the state registrar, who shall issue
3 a new birth certificate showing the correct facts as found by the court, and shall
4 dispose of the original, with the court's report attached under s. 69.15 (3). If the
5 husband ~~mother's spouse~~ is a party to the action and the court makes a finding as
6 to whether or not the husband ~~mother's spouse~~ is the father parent of the child, such
7 finding shall be conclusive in all other courts of this state.

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

10 891.40 (1) (a) If, ~~under the supervision of a licensed physician and with the~~
11 consent of her husband ~~spouse~~, a wife woman is inseminated artificially as provided
12 in par. (b) with semen donated by a man who is not her husband spouse, the husband
13 spouse of the mother at the time of the conception of the child shall be the natural
14 father parent of a child conceived. ~~The husband's spouse's~~ consent must be in writing
15 and signed by him or her and ~~his wife. The by the mother.~~

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

23 2. The department of health services shall keep a consent filed under subd. 1.
24 confidential and in a sealed file except as provided in s. 46.03 (7) (bm). However,

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1 3. Notwithstanding subd. 1., the physician's or spouses' failure to file the
2 consent form does not affect the legal status of ~~father~~ natural parent and child.

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

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

8 891.40 (1) (b) The artificial insemination under par. (a) must satisfy any of the
9 following:

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

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

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

14 891.40 (2) The donor of semen provided to a licensed physician or obtained from
15 a sperm bank for use in the artificial insemination of a woman other than the donor's
16 wife spouse is not the natural father parent of a child conceived, bears no liability for
17 the support of the child, and has no parental rights with regard to the child.

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

19 891.40 (3) This section applies with respect to children conceived before, on,
20 or after the effective date of this subsection [LRB inserts date], as a result of
21 artificial insemination.

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

23 **891.41 (title) Presumption of paternity parentage based on marriage of**
24 **the parties.**

25 **SECTION 147.** 891.41 (1) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 417**SECTION 147**

1 891.41 (1) (intro.) A ~~man~~ person is presumed to be the natural ~~father~~ parent
2 of a child if any of the following applies:

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

4 891.41 (1) (a) ~~He~~ The person and the child's natural mother are or have been
5 married to each other and the child is conceived or born after marriage and before
6 the granting of a decree of legal separation, annulment, or divorce between the
7 parties.

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

10 891.41 (1) (b) (intro.) ~~He~~ The person and the child's natural mother were
11 married to each other after the child was born but ~~he~~ the person and the child's
12 natural mother had a relationship with one another during the period of time within
13 which the child was conceived and ~~no other~~ all of the following apply:

14 1. No man has been adjudicated to be the father ~~or,~~

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

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

18 891.41 (2) In a legal action or proceeding, a presumption under sub. (1) is
19 rebutted by results of a genetic test, as defined in s. 767.001 (1m), that show that a
20 ~~man person~~ other than the ~~man person~~ person presumed to be the ~~father~~ parent under sub.
21 (1) is not excluded as the father of the child and that the statistical probability of the
22 ~~man's person's~~ person's parentage is 99.0 percent or higher, even if the ~~man person~~ person
23 presumed to be the ~~father~~ natural parent under sub. (1) is unavailable to submit to genetic
24 tests, as defined in s. 767.001 (1m).

25 **SECTION 151.** 891.41 (3) of the statutes is created to read:

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1 891.41 (3) This section applies with respect to children born before, on, or after
2 the effective date of this subsection [LRB inserts date].

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

4 **905.05 (title) ~~Husband-wife~~ Spousal and domestic partner privilege.**

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

6 938.02 (13) "Parent" means a biological natural parent, ~~a husband who has~~
7 ~~consented to the artificial insemination of his wife under s. 891.40,~~ or a parent by
8 adoption. If the juvenile is a nonmarital child who is not adopted or whose parents
9 do not subsequently intermarry under s. 767.803, "parent" includes a person
10 acknowledged under s. 767.805 or a substantially similar law of another state or
11 adjudicated to be the biological father. "Parent" does not include any person whose
12 parental rights have been terminated. For purposes of the application of s. 938.028
13 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "parent" means a
14 biological natural parent of an Indian child, an Indian ~~husband~~ spouse who has
15 consented to the artificial insemination of his ~~wife~~ or her spouse under s. 891.40, or
16 an Indian person who has lawfully adopted an Indian juvenile, including an adoption
17 under tribal law or custom, and includes, in the case of a nonmarital Indian child who
18 is not adopted or whose parents do not subsequently intermarry under s. 767.803,
19 a person acknowledged under s. 767.805, a substantially similar law of another state,
20 or tribal law or custom to be the biological father or a person adjudicated to be the
21 biological father, but does not include any person whose parental rights have been
22 terminated.

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

24 938.396 (2g) (g) *Paternity of juvenile.* Upon request of a court having
25 jurisdiction over actions affecting the family, an attorney responsible for support

ASSEMBLY BILL 417**SECTION 154**

1 enforcement under s. 59.53 (6) (a) or a party to a paternity proceeding under subch.
2 IX of ch. 767, the party's attorney or the guardian ad litem for the juvenile who is the
3 subject of that proceeding to review or be provided with information from the records
4 of the court assigned to exercise jurisdiction under this chapter and ch. 48 relating
5 to the paternity of a juvenile for the purpose of determining the paternity of the
6 juvenile or for the purpose of rebutting the presumption of paternity under s. 891.405
7 or the presumption of parentage under s. 891.41, the court assigned to exercise
8 jurisdiction under this chapter and ch. 48 shall open for inspection by the requester
9 its records relating to the paternity of the juvenile or disclose to the requester those
10 records.

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

12 943.20 (2) (c) "Property of another" includes property in which the actor is a
13 co-owner and property of a partnership of which the actor is a member, unless the
14 actor and the victim are ~~husband and wife~~ married to each other.

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

16 943.201 (1) (b) 8. The ~~maiden name~~ surname of an individual's ~~mother parent~~
17 before marriage if the surname was changed as a result of marriage.

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

19 943.205 (2) (b) "Owner" includes a co-owner of the person charged and a
20 partnership of which the person charged is a member, unless the person charged and
21 the victim are ~~husband and wife~~ married to each other.

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

23 990.01 (22m) NATURAL PARENT. "Natural parent" means a parent of a child who
24 is not an adoptive parent, whether the parent is biologically related to the child or
25 not.

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1 **SECTION 159.** 990.01 (39) of the statutes is created to read:

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

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

5 990.01 (40m) STEPPARENT. "Stepparent" means a person who is the spouse of
6 a child's parent and who is not also a parent of the child.

7 **SECTION 161. Nonstatutory provisions.** *es.*

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

21

(END)

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2160/?ins

TSD/CMH
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1 Insert 23-3

2 **SECTION 1.** 69.03 (15) of the statutes is amended to read:

3 69.03 (15) Periodically provide to each county child support agency under s.
4 59.53 (5) a list of names and, notwithstanding s. 69.20 (2) (a), addresses of registrants
5 who reside in that county for whom ~~no father's~~ only one parent's name has been
6 inserted on the registrant's birth record within 6 months of birth.

History: 1985 a. 315; 1987 a. 413; 1993 a. 27; 1995 a. 201, 404; 1997 a. 27; 2001 a. 16; 2009 a. 28; 2017 a. 334.

7 **SECTION 2.** 69.11 (4) (b) of the statutes is amended to read:

8 69.11 (4) (b) The state registrar may amend an item on a birth record that
9 affects information about the name, sex, date of birth, place of birth, parent's name,
10 or marital status of the mother if 365 days have elapsed since the occurrence of the
11 event that is the subject of the birth record, if the amendment is at the request of a
12 person with a direct and tangible interest in the record and is in the manner
13 prescribed by the state registrar, and if the amendment is accompanied by 2 items
14 of documentary evidence from early childhood that are sufficient to prove that the
15 item to be changed is in error and by the affidavit of the person requesting the
16 amendment. A change in the marital status on the birth record may be made under
17 this paragraph only if the marital status is inconsistent with information concerning
18 the father or ~~husband~~ spouse that appears on the birth record. This paragraph may
19 not be used to add to or delete from a birth record the name of a parent, to change
20 the identity of a parent named on the birth record, or to effect a name change
21 prohibited under s. 301.47.

History: 1985 a. 315; 2001 a. 16; 2003 a. 52; 2017 a. 334.

22 **SECTION 3.** 69.12 (5) of the statutes is amended to read:

1 **69.12 (5)** A change in the marital status on the record of birth may be requested
 2 under this section only if the marital status is inconsistent with father or husband
 3 spouse information appearing on the birth record. This section may not be used to
 4 add or delete the name of a parent on the record of birth or change the identity of
 5 either parent named on the birth record.

History: 1985 a. 315; 1993 a. 346; 1995 a. 225; 2001 a. 16; 2003 a. 52; 2005 a. 69; 2017 a. 334.

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

7 **69.13 (2) (b) 4.** If relevant to the correction sought, a certified copy of a marriage
 8 document, divorce or annulment record, or a final divorce decree that indicates that
 9 the mother was not married to the person listed as her husband spouse at any time
 10 during the pregnancy, a legal name change order, or any other legal document that
 11 clarifies the disputed information.

History: 2001 a. 16; 2017 a. 334.

12

13 Insert 24-23

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

15 **69.14 (1) (e) (title)** *Father's Spouse's or father's name.* 1. If Except as provided
 16 in par. (h), if the mother of a registrant under this section was married at any time
 17 from the conception to the birth of the registrant, the name of the husband spouse
 18 of the mother shall be entered on the birth record as the a legal father parent of the
 19 registrant. The name of the father parent entered under this subdivision may not
 20 be changed except by a proceeding under ch. 767.

History: 1985 a. 315; 1987 a. 413; 1993 a. 27; 1997 a. 27, 191; 2001 a. 16; 2003 a. 33; 2007 a. 20; 2015 a. 380; 2017 a. 334.

21 **SECTION 6.** 69.14 (1) (f) 1. of the statutes is amended to read:

22 **69.14 (1) (f) 1. a.** Except as provided under subd. 1. b., if the mother of a
 23 registrant of a birth record under this section is married to the father of the

1 registrant at any time from the conception to the birth of the registrant, the given
 2 name and surname ~~which~~ that the mother ~~and father~~ of the registrant and her
 3 spouse enter for the registrant on the birth record shall be the given name and ✓
 4 surname filed and registered on the birth record.

5 b. If the mother of a registrant of a birth record under this section is married
 6 ~~to the father of the registrant~~ at any time from the conception to the birth of the
 7 registrant and the mother is separated or divorced ~~from the father of the registrant~~
 8 at the time of birth, the given name and surname ~~which~~ that the parent of the ✓
 9 registrant with actual custody enters for the registrant on the birth record shall be
 10 the given name and surname filed and registered on the birth record, except that if
 11 a court has granted legal custody of the registrant, the given name and surname
 12 ~~which~~ that the person with legal custody enters for the registrant on the birth record ✓
 13 shall be the given name and surname filed and registered on the birth record. ✓

14 c. If the mother of a registrant of a birth record under this section is not married
 15 ~~to the father of the registrant~~ at any time from the conception to the birth of the
 16 registrant, the given name and surname ~~which~~ that the mother of the registrant ✓
 17 enters for the registrant on the birth record shall be the given name and surname
 18 filed and registered on the birth record, except that if a court has granted legal
 19 custody of the registrant, the given name and surname ~~which~~ that the person with ✓
 20 legal custody enters for the registrant on the birth record shall be the given name and
 21 surname filed and registered on the birth record. ✓

History: 1985 a. 315; 1987 a. 413; 1993 a. 27; 1997 a. 27, 191; 2001 a. 16; 2003 a. 33; 2007 a. 20; 2015 a. 380; 2017 a. 334.

22 **SECTION 7. 69.14 (1) (g) of the statutes is amended to read:**

23 69.14 (1) (g) *Birth by artificial insemination.* If the registrant of a birth record
 24 under this section is born as a result of artificial insemination under the

1 requirements of s. 891.40, the husband spouse of the woman shall be considered the ✓
 2 father a parent of the registrant on the birth record. If the registrant is born as a ✓
 3 result of artificial insemination which does not satisfy the requirements of s. 891.40,
 4 the information about the father of the registrant shall be omitted from the
 5 registrant's birth record. ✓

History: 1985 a. 315; 1987 a. 413; 1993 a. 27; 1997 a. 27, 191; 2001 a. 16; 2003 a. 33; 2007 a. 20; 2015 a. 380; 2017 a. 334.

6
 7 Insert ~~24-23~~ 25-4

8 The state registrar may change information on a birth record registered in this
 9 state which was correct at the time the birth record was filed under a court or
 10 administrative order issued in this state, in another state or in Canada or under the
 11 valid order of a court of any federally recognized Indian tribe, band, or nation if all
 12 of the following occur: ✓

History: 1985 a. 315; 1987 a. 413; 1989 a. 183; 1993 a. 481; 1995 a. 201, 404; 1997 a. 3, 27, 191; 2001 a. 16, 61; 2003 a. 52; 2005 a. 443 ss. 4, 5, 265; 2007 a. 20; 2013 a. 170, 379; 2015 a. 380; 2017 a. 334.

13
 14 Insert 26-2

15 (b) A clerk of court or, for a paternity or parentage action, a clerk of court or ✓
 16 county child support agency under s. 59.53 (5), sends the state registrar a certified
 17 report of an order of a court in this state in the method prescribed by the state
 18 registrar or, in the case of any other order, the state registrar receives a certified copy ✓
 19 of the order and the proper fee under s. 69.22.

History: 1985 a. 315; 1987 a. 413; 1989 a. 183; 1993 a. 481; 1995 a. 201, 404; 1997 a. 3, 27, 191; 2001 a. 16, 61; 2003 a. 52; 2005 a. 443 ss. 4, 5, 265; 2007 a. 20; 2013 a. 170, 379; 2015 a. 380; 2017 a. 334.

20 **SECTION 8.** 69.15 (3) (b) 3. of the statutes is amended to read:

21 69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives
 22 a statement acknowledging paternity of a nonmarital child in the method prescribed ✓

1 by the state registrar and signed by both parents, neither of whom was under the age
 2 of 18 years when the form was signed, along with the fee under s. 69.22, the state
 3 registrar shall insert the name of the father under subd. 1. The state registrar shall
 4 mark the record to show that the acknowledgement is on file. The acknowledgement
 5 shall be available to the department of children and families or a county child
 6 support agency under s. 59.53 (5) pursuant to the program responsibilities under s.
 7 49.22 or to any other person with a direct and tangible interest in the record. The
 8 state registrar shall include on the acknowledgment the information in s. 767.805
 9 and the items in s. 767.813 (5g).

History: 1985 a. 315; 1987 a. 413; 1989 a. 183; 1993 a. 481; 1995 a. 201, 404; 1997 a. 3, 27, 191; 2001 a. 16, 61; 2003 a. 52; 2005 a. 443 ss. 4, 5, 265; 2007 a. 20; 2013 a. 170, 379; 2015 a. 380; 2017 a. 334.

10

11 Insert 55-11

12 **SECTION 9.** 767.87 (1m) (intro.) of the statutes is amended to read:

13 **767.87 (1m) BIRTH RECORD REQUIRED.** (intro.) If the child was born in this state,
 14 the petitioner shall present a certified copy of the child's birth record or a printed copy
 15 of the record from the birth database of the state registrar to the court, so that the
 16 court is aware of whether a name has been inserted on the birth record as the father
 17 parent of the child other than the mother, at the earliest possible of the following:

History: 1979 c. 352; 1981 c. 20 s. 2202 (20) (m); 1981 c. 359 ss. 13, 17; 1983 a. 447; 1987 a. 413; 1989 a. 31, 122, 212; 1993 a. 395, 481; 1995 a. 27 s. 9126 (19); 1995 a. 77, 100, 275, 289, 404; 1997 a. 27, 105, 191, 252; 1999 a. 185; 2005 a. 443 ss. 207, 258; Stats. 2005 s. 767.87; 2007 a. 20; 2017 a. 334.

18

19 Insert 60-8

20 **SECTION 10.** 891.39 (3) of the statutes is amended to read:

21 **891.39 (3)** If any court under this section adjudges a child to be a nonmarital
 22 child, the clerk of court shall report the facts to the state registrar, who shall issue
 23 a new birth record showing the correct facts as found by the court, and shall dispose

1 of the original, with the court's report attached under s. 69.15 (3). If the husband
2 mother's spouse is a party to the action and the court makes a finding as to whether
3 or not the husband mother's spouse is the father parent of the child, such finding
4 shall be conclusive in all other courts of this state.

History: 1971 c. 298; 1979 c. 196; 1979 c. 352 s. 39; 1983 a. 447; 1985 a. 315; 1989 a. 122; 1993 a. 16, 486; 1995 a. 27, 225; 1997 a. 191; 2017 a. 334.