

WISCONSIN LEGISLATIVE REFERENCE BUREAU

Information Services 608-266-0341—Legal Services 608-266-3561



Per Scott:

start make changes to draft to be inclusive of different types of transgender families where possible without implicating larger statutory issues, such as cross-references and terminology changes that affect multiple provisions requiring individual specific review

- Paternity eventually to be modified to parentage, but for now leave unless can be changed in a individual provision w/out larger effect

## Walkenhorst Barber, Sarah

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**From:** Dodge, Tamara  
**Sent:** Wednesday, May 22, 2019 1:32 PM  
**To:** Walkenhorst Barber, Sarah  
**Subject:** Fwd: Marriage statute clean-up

Can you handle this? I think he wants some changes that don't make sense. He acknowledged that. Could you give him a call too.

Tami

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** "Heacock, Scott" <Scott.Heacock@legis.wisconsin.gov>  
**Date:** 5/22/19 8:05 AM (GMT-07:00)  
**To:** "Dodge, Tamara" <Tamara.Dodge@legis.wisconsin.gov>  
**Subject:** Marriage statute clean-up

Tammy,

We got the following feedback on our marriage statute clean-up bill.

Broadly speaking most of the suggested changes are intended to make the language gender neutral to be inclusive of the different types of transgender families that exist. Please let me know if any of these changes would substantially affect the statutes in unintended ways.

They are also wondering if they are misunderstanding the definition of "natural parent." Is this specifically about who is genetically related to child or who is acknowledged by the state as the legal parents of said child? If the latter, many of their edits below to "mother" and "father" do not necessarily make sense. Based on the changed to definitions, they think genetic relation is intended, but they're just not sure. I suspect that these are clean-ups to statute rather than substantive changes. Please let me know if that is the case.

Is it possible to get all of these changes done before COB Friday May 24? We are hoping to include this bill in a press conference taking place on May 30, and want to give ourselves enough time to review the new draft before that press conference.

Best,

Scott Heacock  
Legislative Aide  
Office of Rep. Spreitzer

**Section 14:** Why was "a husband who has consented to the artificial insemination of his wife under 891.40" deleted rather than updated to read "a spouse who has consented to the artificial insemination of his or her spouse under 891.40" (with obvious updates to 891.40 needed)? *blc term "natural parent" includes this. - EAW*

**Section 15:** Is "paternity" a required legal term? Can this be updated to be gender neutral—maybe to parentage?

*Yes, in this case it's required*

**Sections 16 & 17:** "Alleged father" is used throughout these sections. We could say "alleged parent." ✓ *EHS*

**Section 18:** Instead of "adjudicated father," we could say "adjudicated parent." Instead of "mother," we could say "parent who gave birth."

*Keeping adjudicated father blc not opening up paternity actions at this time.*

✓ **Sections 19 & 20 & 22 & 23 & 24 & 25 & 26 & 27 & 28 & 29 & 30 & 31 & 32 & 33 & 34:** Change "alleged father" to "alleged parent" *EHS did*

**Section 54:** In the first sentence, simply deleting "of the mother" makes sentence confusing. Try the following instead:

*SUBS* ✓ "The state registrar may amend an item on a birth record that affects information about the name, sex, date of birth, place of birth, parent's name or parent's marital status if 365 days have elapsed..." Also, "father" is in here again. Instead of "father," what about "natural parent who did not give birth?" *Added "parent's" marital status; modified language to omit reference to father/husband/and instead just reference spouse inconsistent with appearing on the birth record*

*SUBS* ✓ **Section 55:** Instead of father, let's try "natural parent who did not give birth."

*Instead, eliminated reference*

**Section 56:** Instead of mother, let's try "natural parent who gave birth."

**Section 57:** Mother and father are used again. Let's try instead "In the absence of a person under subds. 1. to 3., either natural parent or the spouse of the natural parent who gave birth, or in the absence of the natural parent who did not give birth or the spouse of the natural parent who gave birth and the inability of the natural parent who gave birth, the person responsible for the premises where the birth occurs."

**Section 58:** Can this be changed to "Name of parent who did not give birth?" And then let's change "father" to "natural parent who did not give birth." Also, let's change "mother" to "natural parent who gave birth."

**Section 59:** Change "mother" to "natural parent who gave birth" in every single instance. Instead of "her" and "she" used to refer to this parent, let's use "parent" and "parent's," for example "...the given name and surname that the natural parent who gave birth and this parent's spouse enter for the registrant..."

*SUBS* ✓ **Section 60:** Instead of "woman," use "person inseminated"

**Section 61:** Again, let's avoid mother & father. Change "father" to "natural parent who did not give birth" and "mother" to "natural parent who gave birth."

**Section 62:** Is paternity necessary here with parentage? Can we just use parentage?

*Paternity "actions" implicated, so not changed or purpose of this version*

**Section 63:** Again, can we use parentage instead of paternity? And again, "father" should be "natural parent who did not give birth."

✓ **Section 98:** Change "mother" to "person who is pregnant" and get rid of she/her pronouns. Last clause would read: "...The individual has expressed concern for or interest in the support, care, or well-being of the person who is pregnant."

*SUBS* ✓ **Section 106:** This section is grossly misogynist and also cissexist and weird. If the "female party" bit has to stay in, can we change "female" to "person previously capable of becoming pregnant?" If it doesn't, can't we just have the last part of that sentence: "...if either party, at the time of application for a marriage license, submits an affidavit signed by a

physician state that either party is permanently sterile or that the 12 parties are otherwise permanently biologically incapable of producing a child together” and get rid of the first part that describes “a female party?”

**Section 118:** Does paternity have to be used instead of parentage?

*SUB* **Section 119:** Get rid of the “male” bit and change the first part to: “Unless s. 767.805 (1) applies, a person presumed to be the child’s natural parent who did not give birth under s. 891.405...” The rest is fine. *changed only term “male” for word*

*SUB* **Section 120:** Change “alleged father” to “alleged parent” - *may need additional changes due to reference to “mother”*

**Section 121:** So many issues. This would be my recommended changes:

“...at any time in an action to establish the parentage of a child, upon the motion of a party or guardian ad litem or the child’s parent who gave birth if this parent is not a party, the court or supplemental court commissioner under s. 757.675 (2) (g) may, with respect to the individual who is a child’s possible natural parent who did not give birth, 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 individual is the child’s natural parent who did not give birth is not in the best interest of the child.”

**Section 122:** So, so many issues here, too. This would be what I would recommend instead:

“In action to establish the parentage of a child who was born while the natural parent who gave birth was married, if a person other than the natural parent who gave birth’s spouse alleges to be the child’s biological parent, rather than the spouse of the natural parent who gave birth, a party, or the natural parent who gave birth if not a party, may allege that a judicial determination that a person other than the spouse of the natural parent who gave birth 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 person other than the spouse of the natural parent who gave birth is the biological parent is not in the best interest of the child, no genetic tests may be ordered and the action shall be dismissed.”

**Section 123:** Get rid of “mother” again. Change the last clause to “...whether a name has been inserted on the birth record as the parent of the child other than the natural parent who gave birth...”

**Section 126:** Let’s eliminate father & mother again. Instead of father “biological parent who did not give birth” and instead of mother “biological parent who gave birth” throughout. Again, I’m unclear on whether “natural” or “biological” is more appropriate, so I’m switching over to biological now to give examples of each phrasing.

**Section 138:** Let’s get rid of “woman” again and change this to “Whenever it is established in an action or proceeding that a child was born while the biological parent who gave birth was legally married to a specified person...” And get rid of “mother’s spouse” and change to “spouse of the parent who gave birth.” And let’s change “father” to “biological parent who did not give birth.”

**Section 139:** I’m still confused about the difference between parentage and paternity proceedings. Are these distinct? Do we need to mention paternity explicitly?

**Section 140:** Change “mother’s spouse” to “spouse of parent who gave birth”

**Section 141:** Another messy one...let’s try this instead:

*SUB* “If, with the spouse’s consent, a person is inseminated artificially as provided in par. (b) with semen donated by a person who is not the spouse of the person who is being inseminated, the spouse of the inseminated person at the time of the conception of the child shall be the natural parent of a child conceived. The spouse’s consent must be in writing and signed by him or her and by his or her spouse who was inseminated.”

**Section 143:** Change “woman” to “person”

- ✓ Section 147: Change "natural mother" to "natural parent who was inseminated" *Not artificial insemination here, so language might be confusing. Tried alternative language*
- ✓ Section 148: Change "natural mother" to "natural parent who was inseminated" and in 1. Change "man" to "person" *completed this change*
- Section 149: Change "father" to "parent who did not give birth"
- Section 151: <sup>152?</sup> Change "biological father" to "biological parent who did not give birth"
- Section 153: Use parentage instead of paternity?

Scott Heacock  
Legislative Aide  
Office of Representative Mark Spreitzer



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-2160/PT  
TD/SW/ES/EW:cjs

2  
1/2  
RMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

IN 5/24  
Requested today  
by CBS, pls (4)

INSERTS  
(3)

1     **AN ACT** *to repeal* 49.141 (1) (j) 2., 102.51 (1) (a) 2., 115.76 (12) (a) 2. and 115.76  
2           (12) (a) 3.; *to renumber and amend* 891.40 (1) and 891.41 (1) (b); *to amend*  
3           29.219 (4), 29.228 (5), 29.228 (6), 29.229 (2) (i), 29.2295 (2) (i), 29.563 (3) (a) 3.,  
4           29.607 (3), 45.01 (6) (c), 45.51 (3) (c) 2., 45.51 (5) (a) 1. b., 45.51 (5) (a) 1. c., 45.55,  
5           46.10 (2), 48.02 (13), 48.396 (2) (dm), 48.422 (7) (bm), 48.422 (7) (br), 48.432 (1)  
6           (am) 2. b., 48.63 (3) (b) 4., 48.63 (3) (b) 5., 48.82 (1) (a), 48.837 (1r) (d), 48.837  
7           (1r) (e), 48.837 (6) (b), 48.837 (6) (br), 48.913 (1) (a), 48.913 (1) (b), 48.913 (1) (h),  
8           48.913 (2) (intro.), 48.913 (2) (b), 48.913 (2) (c) (intro.), 48.913 (3), 48.913 (4),  
9           48.913 (7), 49.141 (1) (j) 1., 49.155 (1m) (c) 1g., 49.155 (1m) (c) 1h., 49.163 (2)  
10          (am) 2., 49.19 (1) (a) 2. a., 49.19 (4) (d) (intro.), 49.19 (4) (d) 1., 49.19 (4) (d) 2.,  
11          49.19 (4) (d) 3., 49.19 (4) (d) 4., 49.19 (4) (d) 5., 49.345 (2), 49.43 (12), 49.471 (1)  
12          (b) 2., 49.90 (4), 54.01 (36) (a), 54.960 (1), 69.03 (15), 69.11 (4) (b), 69.12 (5), 69.13  
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),  
14          69.14 (2) (b) 2. d., 69.15 (1), 69.15 (3) (b) 3., 71.03 (2) (d) (title), 71.03 (2) (d) 1.,  
15          71.03 (2) (d) 2., 71.03 (2) (d) 3., 71.03 (2) (g), 71.03 (2) (m) 2., 71.03 (4) (a), 71.05

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

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### *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 <sup>that</sup> and adopts parentage terminology <sup>incorporates</sup> recognition of transgender parentage.

#### **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 *Parentage*

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

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

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

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



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.

INS  
EAW  
Analysis

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.

the person who has given birth

the person

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

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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**SECTION 16**

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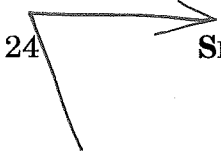
1 **SECTION 16.** 48.422 (7) (bm) of the statutes is amended to read:

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

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

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

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



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

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

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

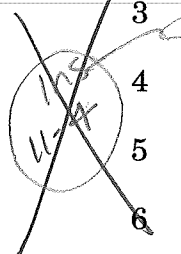
14           **SECTION 20.** 48.63 (3) (b) 5. of the statutes is amended to read:

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

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

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

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





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

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

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

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

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

1 the adoption creates a rebuttable presumption of coercion. Upon a finding of  
2 coercion, the court shall dismiss the petitions under subs. (2) and (3) or amend the  
3 agreement to delete any coercive conditions, if the parties agree to the amendment.

4 Upon a finding that payments ~~which~~ that are impermissible under s. 48.913 (4) have  
5 been made, the court may dismiss the petition and may refer the matter to the  
6 district attorney for prosecution under s. 948.24 (1).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21           **49.163 (2) (am) 2.** If over 24 years of age, be a ~~biological~~ natural or adoptive  
22 parent of a child under 18 years of age whose parental rights to the child have not  
23 been terminated or be a relative and primary caregiver of a child under 18 years of  
24 age.

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

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

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

13           49.19 (4) (d) (intro.) Aid may be granted to the ~~mother or stepmother~~ parent  
14 or stepparent of a dependent child if he or she is without a husband spouse or if he  
15 or she:

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

17           49.19 (4) (d) 1. Is the wife spouse of a husband person who is incapacitated for  
18 gainful work by mental or physical disability; or

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

20           49.19 (4) (d) 2. Is the wife spouse of a husband person who is incarcerated or  
21 who is a convicted offender permitted to live at home but precluded from earning a  
22 wage because the husband person is required by a court imposed sentence to perform  
23 unpaid public work or unpaid community service; or

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

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

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

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

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

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

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

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

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

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

11 49.43 (12) "Spouse" means the legal ~~husband or wife of~~ person to whom the  
12 beneficiary is legally married, whether or not the person is eligible for medical  
13 assistance.

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

15 49.471 (1) (b) 2. A ~~stepfather, stepmother~~ stepparent, stepbrother, or stepsister.

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

17 49.90 (4) The circuit court shall in a summary way hear the allegations and  
18 proofs of the parties and by order require maintenance from these relatives, if they  
19 have sufficient ability, considering their own future maintenance and making  
20 reasonable allowance for the protection of the property and investments from which  
21 they derive their living and their care and protection in old age, in the following  
22 order: First the ~~husband or wife~~ spouse; then the ~~father and the mother~~ parents; and  
23 then the grandparents in the instances in which sub. (1) (a) 2. applies. The order  
24 shall specify a sum ~~which~~ that will be sufficient for the support of the dependent  
25 person under sub. (1) (a) 1. or the maintenance of a child of a dependent person under



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

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

20 54.01 (36) (a) An individual who obtains or consents to a final decree or  
21 judgment of divorce from the decedent or an annulment of their marriage, if the  
22 decree or judgment is not recognized as valid in this state, unless the 2 subsequently  
23 participated in a marriage ceremony purporting to marry each other or they  
24 subsequently held themselves out as ~~husband and wife~~ married to each other.

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

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

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

9           69.03 (15) Periodically provide to each county child support agency under s.  
10 59.53 (5) a list of names and, notwithstanding s. 69.20 (2) (a), addresses of registrants  
11 who reside in that county for whom ~~no father's~~ only one parent's name has been  
12 inserted on the registrant's birth record within 6 months of birth.

13           **SECTION 54.** 69.11 (4) (b) of the statutes is amended to read:

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

1 the identity of a parent named on the birth record, or to effect a name change  
2 prohibited under s. 301.47.

3 **SECTION 55.** 69.12 (5) of the statutes is amended to read:

4 69.12 (5) A change in the marital status on the record of birth may be requested  
5 under this section only if the marital status is inconsistent with ~~father or husband~~<sup>strike</sup>  
6 ~~spouse~~<sup>2</sup> information appearing on the birth record. This section may not be used to  
7 add or delete the name of a parent on the record of birth or change the identity of  
8 either parent named on the birth record.

9 **SECTION 56.** 69.13 (2) (b) 4. of the statutes is amended to read:

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

15 **SECTION 57.** 69.14 (1) (c) 4. of the statutes is amended to read:

16 69.14 (1) (c) 4. In the absence of a person under subds. 1. to 3., the father or  
17 mother, ~~father, or mother's spouse~~, or in the absence of the ~~father or the mother's~~  
18 ~~spouse~~ and the inability of the mother, the person responsible for the premises where  
19 the birth occurs.

20 **SECTION 58.** 69.14 (1) (e) (title) and 1. of the statutes are amended to read:

21 69.14 (1) (e) (title) *Father's Spouse's or father's name.* 1. If Except as provided  
22 in par. (h), if the mother of a registrant under this section was married at any time  
23 from the conception to the birth of the registrant, the name of the husband ~~spouse~~  
24 of the mother shall be entered on the birth record as the a legal father parent of the

1 registrant. The name of the father parent entered under this subdivision may not  
2 be changed except by a proceeding under ch. 767.

3 **SECTION 59.** 69.14 (1) (f) 1. of the statutes is amended to read:

4 69.14 (1) (f) 1. a. Except as provided under subd. 1. b., if the mother of a  
5 registrant of a birth record under this section is married ~~to the father of the~~  
6 ~~registrant~~ at any time from the conception to the birth of the registrant, the given  
7 name and surname ~~which~~ that the mother ~~and father~~ of the registrant and her  
8 spouse enter for the registrant on the birth record shall be the given name and  
9 surname filed and registered on the birth record.

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

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

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

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

4 69.14 (1) (g) *Birth by artificial insemination.* If the registrant of a birth record  
5 under this section is born as a result of artificial insemination under the  
6 requirements of s. 891.40, the ~~husband spouse~~ <sup>strike</sup> of the ~~woman~~ <sup>person inseminated</sup> shall be considered the  
7 father a parent of the registrant on the birth record. If the registrant is born as a  
8 result of artificial insemination which does not satisfy the requirements of s. 891.40,  
9 the information about the father of the registrant shall be omitted from the  
10 registrant's birth record.

11 **SECTION 61.** 69.14 (2) (b) 2. d. of the statutes is amended to read:

12 69.14 (2) (b) 2. d. The full name of the father or the mother's spouse, except that  
13 if the mother was not married at the time of conception or birth or between conception  
14 and birth of the registrant, the name of the father may not be entered except as  
15 provided under s. 69.15 (3).

16 **SECTION 62.** 69.15 (1) of the statutes is amended to read:

17 69.15 (1) BIRTH RECORD INFORMATION CHANGES. The state registrar may change  
18 information on a birth record registered in this state which was correct at the time  
19 the birth record was filed under a court or administrative order issued in this state,  
20 in another state or in Canada or under the valid order of a court of any federally  
21 recognized Indian tribe, band, or nation if all of the following occur:

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

24 (b) A clerk of court or, for a paternity or parentage action, a clerk of court or  
25 county child support agency under s. 59.53 (5), sends the state registrar a certified

1 report of an order of a court in this state in the method prescribed by the state  
2 registrar or, in the case of any other order, the state registrar receives a certified copy  
3 of the order and the proper fee under s. 69.22.

4 **SECTION 63.** 69.15 (3) (b) 3. of the statutes is amended to read:

5 69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives  
6 a statement acknowledging paternity of a nonmarital child in the method prescribed  
7 by the state registrar and signed by both parents, neither of whom was under the age  
8 of 18 years when the form was signed, along with the fee under s. 69.22, the state  
9 registrar shall insert the name of the father under subd. 1. The state registrar shall  
10 mark the record to show that the acknowledgement is on file. The acknowledgement  
11 shall be available to the department of children and families or a county child  
12 support agency under s. 59.53 (5) pursuant to the program responsibilities under s.  
13 49.22 or to any other person with a direct and tangible interest in the record. The  
14 state registrar shall include on the acknowledgment the information in s. 767.805  
15 and the items in s. 767.813 (5g).

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

17 69.15 (3) (b) 3m. Except as provided in par. (c), if the state registrar receives  
18 an acknowledgement of parentage on a form prescribed by the state registrar and  
19 signed by both of the people presumed to be natural parents under s. 891.41 (1) (b),  
20 a certified copy of the parents' marriage certificate, and the fee required under s.  
21 69.22 (5) (b) 1., the state registrar shall insert the name of the spouse from the  
22 marriage certificate as a parent if the name of that parent was omitted on the original  
23 birth certificate.

24 **SECTION 65.** 71.03 (2) (d) (title) of the statutes is amended to read:

25 71.03 (2) (d) (title) *Husband and wife Spouses joint filing.*

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1           **SECTION 66.** 71.03 (2) (d) 1. of the statutes is amended to read:

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

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

6           71.03 (2) (d) 2. No joint return may be filed if either ~~the husband or wife~~ spouse  
7 at any time during the taxable year is a nonresident alien, unless an election is in  
8 effect for the taxable year under section 6013 (g) or (h) of the ~~internal revenue code~~  
9 Internal Revenue Code.

10          **SECTION 68.** 71.03 (2) (d) 3. of the statutes is amended to read:

11          71.03 (2) (d) 3. No joint return may be filed if the ~~husband and wife~~ spouses  
12 have different taxable years, except that if their taxable years begin on the same day  
13 and end on different days because of the death of either or both the joint return may  
14 be filed with respect to the taxable year of each unless the surviving spouse remarries  
15 before the close of his or her taxable year or unless the taxable year of either spouse  
16 is a fractional part of a year under section 443 (a) (1) of the ~~internal revenue code~~  
17 Internal Revenue Code.

18          **SECTION 69.** 71.03 (2) (g) of the statutes is amended to read:

19          71.03 (2) (g) *Joint return following separate return.* Except as provided in par.  
20 (i), if an individual has filed a separate return for a taxable year for which a joint  
21 return could have been filed by the individual and the individual's spouse under par.  
22 (d) or (e) and the time prescribed by law for timely filing the return for that taxable  
23 year has expired, the individual and the individual's spouse may file a joint return  
24 for that taxable year. A joint return filed by the ~~husband and wife~~ spouses under this  
25 paragraph is their return for that taxable year, and all payments, credits, refunds

1 or other repayments made or allowed with respect to the separate return of each  
2 spouse for that taxable year shall be taken into account in determining the extent  
3 to which the tax based upon the joint return has been paid. If a joint return is filed  
4 under this paragraph, any election, other than the election to file a separate return,  
5 made by either spouse in that spouse's separate return for that taxable year with  
6 respect to the treatment of any income, deduction or credit of that spouse may not  
7 be changed in the filing of the joint return if that election would have been irrevocable  
8 if the joint return had not been filed.

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

10 71.03 (2) (m) 2. If ~~a husband and wife~~ spouses change from a joint return to  
11 separate returns within the time prescribed in subd. 1., the tax paid on the joint  
12 return shall be allocated between them in proportion to the tax liability shown on  
13 each separate return.

14 **SECTION 71.** 71.03 (4) (a) of the statutes is amended to read:

15 71.03 (4) (a) Natural persons whose total income is not in excess of \$10,000 and  
16 consists entirely of wages subject to withholding for Wisconsin tax purposes and not  
17 more than \$200 total of dividends, interest and other wages not subject to Wisconsin  
18 withholding, and who have elected the Wisconsin standard deduction and have not  
19 claimed either the credit for homestead property tax relief or deductions for expenses  
20 incurred in earning such income, shall, at their election, not be required to record on  
21 their income tax returns the amount of the tax imposed on their Wisconsin taxable  
22 income. Married persons shall be permitted this election only if the joint income of  
23 the ~~husband and wife~~ spouses does not exceed \$10,000, if both report their incomes  
24 on the same joint income tax return form, and if both make this election.

25 **SECTION 72.** 71.05 (22) (a) (title) of the statutes is amended to read:



1           71.05 (22) (a) (title) *Election of deductions; ~~husband and wife~~ spousal*  
2 *deductions.*

3           **SECTION 73.** 71.07 (5m) (a) 3. of the statutes is amended to read:

4           71.07 (5m) (a) 3. "Household" means a claimant and an individual related to  
5 the claimant as ~~husband or wife~~ his or her spouse.

6           **SECTION 74.** 71.07 (9e) (b) of the statutes is amended to read:

7           71.07 (9e) (b) No credit may be allowed under this subsection to married  
8 persons, except married persons living apart who are treated as single under section  
9 7703 (b) of the ~~internal revenue code~~ Internal Revenue Code, if the ~~husband and wife~~  
10 spouses report their income on separate income tax returns for the taxable year.

11           **SECTION 75.** 71.09 (13) (a) 2. of the statutes is amended to read:

12           71.09 (13) (a) 2. The tax shown on the return for the preceding year. If ~~a~~  
13 ~~husband and wife~~ spouses who filed separate returns for the preceding taxable year  
14 file a joint return, the tax shown on the return for the preceding year is the sum of  
15 the taxes shown on the separate returns of the ~~husband and wife~~ spouses. If ~~a~~  
16 ~~husband and wife~~ spouses who filed a joint return for the preceding taxable year file  
17 separate returns, the tax shown on the return for the preceding year is the ~~husband's~~  
18 ~~or wife's~~ each spouse's proportion of that tax based on what their respective tax  
19 liabilities for that year would have been had they filed separately.

20           **SECTION 76.** 71.52 (4) of the statutes is amended to read:

21           71.52 (4) "Household" means a claimant and an individual related to the  
22 claimant as ~~husband or wife~~ his or her spouse.

23           **SECTION 77.** 71.83 (1) (a) 8. of the statutes is amended to read:

24           71.83 (1) (a) 8. 'Joint return replacing separate returns.' If the amount shown  
25 as the tax by the ~~husband and wife~~ spouses on a joint return filed under s. 71.03 (2)

1 (g) to (L) exceeds the sum of the amounts shown as the tax upon the separate return  
2 of each spouse and if any part of that excess is attributable to negligence or  
3 intentional disregard of this chapter, but without intent to defraud, at the time of the  
4 filing of that separate return, then 25 percent of the total amount of that excess shall  
5 be added to the tax.

6 **SECTION 78.** 71.83 (1) (b) 5. of the statutes is amended to read:

7 71.83 (1) (b) 5. 'Joint return after separate returns.' If the amount shown as  
8 the tax by ~~the husband and wife~~ spouses on a joint return filed under s. 71.03 (2) (g)  
9 to (L) exceeds the sum of the amounts shown as the tax on the separate return of each  
10 spouse and if any part of that excess is attributable to fraud with intent to evade tax  
11 at the time of the filing of that separate return, then 50 percent of the total amount  
12 of that excess shall be added to the tax.

13 **SECTION 79.** 77.25 (8m) of the statutes is amended to read:

14 77.25 (**8m**) ~~Between husband and wife~~ spouses.

15 **SECTION 80.** 77.54 (7) (b) 1. of the statutes is amended to read:

16 77.54 (**7**) (b) 1. The item is transferred to a child, spouse, parent, ~~father-in-law,~~  
17 ~~mother-in-law~~ parent-in-law, daughter-in-law, or son-in-law of the transferor or,  
18 if the item is a motor vehicle, from the transferor to a corporation owned solely by the  
19 transferor or by the transferor's spouse.

20 **SECTION 81.** 101.91 (5m) of the statutes is amended to read:

21 101.91 (**5m**) "Manufactured home community" means any plot or plots of  
22 ground upon which 3 or more manufactured homes that are occupied for dwelling or  
23 sleeping purposes are located. "Manufactured home community" does not include a  
24 farm where the occupants of the manufactured homes are the father, mother, son,

1 ~~daughter, brother or sister~~ parents, children, or siblings of the farm owner or  
2 operator or where the occupants of the manufactured homes work on the farm.

3 **SECTION 82.** 102.07 (5) (b) of the statutes is amended to read:

4 102.07 (5) (b) The parents, spouse, child, brother, sister, son-in-law,  
5 daughter-in-law, ~~father-in-law, mother-in-law~~ parent-in-law, brother-in-law, or  
6 sister-in-law of a farmer shall not be deemed the farmer's employees.

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

8 102.07 (5) (c) A shareholder-employee of a family farm corporation shall be  
9 deemed a "farmer" for purposes of this chapter and shall not be deemed an employee  
10 of a farmer. A "family farm corporation" means a corporation engaged in farming all  
11 of whose shareholders are related as lineal ancestors or lineal descendants, whether  
12 by blood or by adoption, or as spouses, brothers, sisters, uncles, aunts, cousins,  
13 sons-in-law, daughters-in-law, ~~fathers-in-law, mothers-in-law~~ parents-in-law,  
14 brothers-in-law, or sisters-in-law of such lineal ancestors or lineal descendants.

15 **SECTION 84.** 102.51 (1) (a) 1. of the statutes is amended to read:

16 102.51 (1) (a) 1. A ~~wife~~ married person upon ~~a husband~~ his or her spouse with  
17 whom he or she is living at the time of ~~his~~ the spouse's death.

18 **SECTION 85.** 102.51 (1) (a) 2. of the statutes is repealed.

19 **SECTION 86.** 103.10 (1) (h) of the statutes is amended to read:

20 103.10 (1) (h) "Spouse" means ~~an employee's legal husband or wife~~ the person  
21 to whom an employee is legally married.

22 **SECTION 87.** 103.165 (3) (a) 3. of the statutes is amended to read:

23 103.165 (3) (a) 3. The decedent's ~~father or mother~~ parent or parents if the  
24 decedent leaves no surviving spouse, domestic partner under ch. 770, or children.

25 **SECTION 88.** 111.32 (12) of the statutes is amended to read:

1           111.32 (12) "Marital status" means the status of being married, single,  
2 divorced, separated, or widowed a surviving spouse.

3           **SECTION 89.** 115.76 (12) (a) 1. of the statutes is amended to read:

4           115.76 (12) (a) 1. A biological natural parent.

5           **SECTION 90.** 115.76 (12) (a) 2. of the statutes is repealed.

6           **SECTION 91.** 115.76 (12) (a) 3. of the statutes is repealed.

7           **SECTION 92.** 115.76 (13) of the statutes is amended to read:

8           115.76 (13) "Person acting as a parent of a child" means a relative of the child  
9 or a private individual allowed to act as a parent of a child by the child's biological  
10 natural or adoptive parents or guardian, and includes the child's grandparent,  
11 neighbor, friend or private individual caring for the child with the explicit or tacit  
12 approval of the child's biological natural or adoptive parents or guardian. "Person  
13 acting as a parent of a child" does not include any person that receives public funds  
14 to care for the child if such funds exceed the cost of such care.

15           **SECTION 93.** 146.34 (1) (f) of the statutes is amended to read:

16           146.34 (1) (f) "Parent" means a biological natural parent, ~~a husband who has~~  
17 ~~consented to the artificial insemination of his wife under s. 891.40~~ or a parent by  
18 adoption. If the minor is a nonmarital child who is not adopted or whose parents do  
19 not subsequently intermarry under s. 767.803, "parent" includes a person adjudged  
20 in a judicial proceeding under ch. 48 to be the biological father of the minor. "Parent"  
21 does not include any person whose parental rights have been terminated.

22           **SECTION 94.** 157.05 of the statutes is amended to read:

23           **157.05 Autopsy.** Consent for a licensed physician to conduct an autopsy on  
24 the body of a deceased person shall be deemed sufficient when given by whichever  
25 one of the following assumes custody of the body for purposes of burial: **Father,**

1 ~~mother, husband, wife~~ parent, spouse, child, guardian, next of kin, domestic partner  
2 under ch. 770, or in the absence of any of the foregoing, a friend, or a person charged  
3 by law with the responsibility for burial. If 2 or more such persons assume custody  
4 of the body, the consent of one of them shall be deemed sufficient.

5 **SECTION 95.** 182.004 (6) of the statutes is amended to read:

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

12 **SECTION 96.** 250.04 (3) (a) of the statutes is amended to read:

13 250.04 (3) (a) The department shall establish and maintain surveillance  
14 activities sufficient to detect any occurrence of acute, communicable, or chronic  
15 diseases and threat of occupational or environmental hazards, injuries, or changes  
16 in the health of ~~mothers~~ parents and children.

17 **SECTION 97.** 301.12 (2) of the statutes is amended to read:

18 301.12 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,  
19 including a person placed under s. 938.183, 938.32 (1) (bm) or (c), 938.34 (4h) or (4m),  
20 or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance, services, and supplies  
21 provided by any institution in this state operated or contracted for by the  
22 department, in which the state is chargeable with all or part of the person's care,  
23 maintenance, services, and supplies, and the person's property and estate, including  
24 the homestead, and the spouse of the person, and the spouse's property and estate,  
25 including the homestead, and, in the case of a minor child, the parents of the person,

1 and their property and estates, including their homestead, and, in the case of a  
2 foreign child described in s. 48.839 (1) who became dependent on public funds for his  
3 or her primary support before an order granting his or her adoption, the resident of  
4 this state appointed guardian of the child by a foreign court who brought the child  
5 into this state for the purpose of adoption, and his or her property and estate,  
6 including his or her homestead, shall be liable for the cost of the care, maintenance,  
7 services, and supplies in accordance with the fee schedule established by the  
8 department under s. 301.03 (18). If a spouse, ~~widow~~ surviving spouse, or minor, or  
9 an incapacitated person, may be lawfully dependent upon the property for his or her  
10 support, the court shall release all or such part of the property and estate from the  
11 charges that may be necessary to provide for that person. The department shall  
12 make every reasonable effort to notify the liable persons as soon as possible after the  
13 beginning of the maintenance, but the notice or the receipt of the notice is not a  
14 condition of liability.

15 **SECTION 98.** 301.50 (1) of the statutes is amended to read:

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

*parent who gave birth during*

**SECTION 99**

1           **SECTION 99.** 700.19 (2) of the statutes is amended to read:

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

10           **SECTION 100.** 705.01 (4) of the statutes is amended to read:

11           705.01 (4) “Joint account” means an account, other than a marital account,  
12 payable on request to one or more of 2 or more parties whether or not mention is made  
13 of any right of survivorship. “Joint account” also means any account established with  
14 the right of survivorship on or after January 1, 1986, by 2 parties who claim to be  
15 ~~husband and wife~~ married to each other, which is payable on request to either or both  
16 of the parties.

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

18           705.01 (4m) “Marital account” means an account established without the right  
19 of survivorship on or after January 1, 1986, by 2 parties who claim to be ~~husband and~~  
20 ~~wife~~ married to each other, which is payable on request to either or both of the parties  
21 and which is designated as a marital account. An account established by those  
22 parties with the right of survivorship under s. 766.58 (3) (f) or 766.60 is a joint  
23 account.

24           **SECTION 102.** 706.09 (1) (e) of the statutes is amended to read:

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

8           **SECTION 103.** 765.001 (2) of the statutes is amended to read:

9           765.001 (2) INTENT. It is the intent of chs. 765 to 768 to promote the stability  
10          and best interests of marriage and the family. It is the intent of the legislature to  
11          recognize the valuable contributions of both spouses during the marriage and at  
12          termination of the marriage by dissolution or death. Marriage is the institution that  
13          is the foundation of the family and of society. Its stability is basic to morality and  
14          civilization, and of vital interest to society and the state. The consequences of the  
15          marriage contract are more significant to society than those of other contracts, and  
16          the public interest must be taken into account always. The seriousness of marriage  
17          makes adequate premarital counseling and education for family living highly  
18          desirable and courses thereon are urged upon all persons contemplating marriage.  
19          The impairment or dissolution of the marriage relation generally results in injury  
20          to the public wholly apart from the effect upon the parties immediately concerned.  
21          Under the laws of this state, marriage is a legal relationship between 2 equal  
22          persons, ~~a husband and wife~~, who owe to each other mutual responsibility and  
23          support. Each spouse has an equal obligation in accordance with his or her ability  
24          to contribute money or services or both which are necessary for the adequate support



1 and maintenance of his or her minor children and of the other spouse. No spouse may  
2 be presumed primarily liable for support expenses under this subsection.

3 SECTION 104. 765.01 of the statutes is amended to read:

4 **765.01 A civil contract.** Marriage, so far as its validity at law is concerned,  
5 is a civil contract, to which the consent of the parties capable in law of contracting  
6 is essential, and which creates the legal status of ~~husband and wife~~ spouse to each  
7 other.

8 SECTION 105. 765.02 (3) of the statutes is created to read:

9 765.02 (3) Marriage may be contracted between persons of the same sex or  
10 different sexes.

11 SECTION 106. 765.03 (1) of the statutes is amended to read:

12 765.03 (1) No marriage shall be contracted while either of the parties has a  
13 husband or wife spouse living, nor between persons who are nearer of kin than 2nd  
14 cousins except that marriage may be contracted between first cousins where the ~~if~~<sup>if</sup>  
15 ~~@ female party~~<sup>sterile</sup> has attained the age of 55 years or where ~~if~~<sup>sterile</sup> either party, at the time  
16 of application for a marriage license, submits an affidavit signed by a physician  
17 stating that either party is permanently sterile or that the 2 parties are otherwise  
18 permanently biologically incapable of producing a child together. Relationship  
19 under this section shall be computed by the rule of the civil law, whether the parties  
20 to the marriage are of the half or of the whole blood. A marriage may not be  
21 contracted if either party has such want of understanding as renders him or her  
22 incapable of assenting to marriage.

23 SECTION 107. 765.16 (1m) (intro.) of the statutes is amended to read:

24 765.16 (1m) (intro.) Marriage may be validly solemnized and contracted in this  
25 state only after a marriage license has been issued therefor, and only by the mutual

1 declarations of the 2 parties to be joined in marriage that ~~they take each~~ takes the  
2 other as ~~husband and wife~~ his or her spouse, made before an authorized officiating  
3 person and in the presence of at least 2 competent adult witnesses other than the  
4 officiating person. The following are authorized to be officiating persons:

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

6 765.16 (1m) (c) The 2 parties themselves, by mutual declarations that they  
7 ~~take each~~ takes the other as ~~husband and wife~~ his or her spouse, in accordance with  
8 the customs, rules, and regulations of any religious society, denomination, or sect to  
9 which either of the parties may belong.

10 **SECTION 109.** 765.23 of the statutes is amended to read:

11 **765.23 Immaterial irregularities otherwise.** No marriage hereafter  
12 contracted shall be void either by reason of the marriage license having been issued  
13 by a county clerk not having jurisdiction to issue the same; or by reason of any  
14 informality or irregularity of form in the application for the marriage license or in  
15 the marriage license itself, or the incompetency of the witnesses to such marriage;  
16 or because the marriage may have been solemnized in a county other than the county  
17 prescribed in s. 765.12, or more than 30 days after the date of the marriage license,  
18 if the marriage is in other respects lawful and is consummated with the full belief  
19 on the part of the persons so married, or either of them, that they have been lawfully  
20 joined in marriage. Where a marriage has been celebrated in one of the forms  
21 provided for in s. 765.16 (1m), and the parties thereto have immediately thereafter  
22 assumed the habit and repute of ~~husband and wife~~ a married couple, and having  
23 continued the same uninterruptedly thereafter for the period of one year, or until the  
24 death of either of them, it shall be deemed that a marriage license has been issued  
25 as required by ss. 765.05 to 765.24 and 767.803.

1           **SECTION 110.** 765.24 of the statutes is amended to read:

2           **765.24 Removal of impediments to subsequent marriage.** If a person  
3 during the lifetime of a ~~husband or wife spouse~~ with whom the marriage is in force,  
4 enters into a subsequent marriage contract in accordance with s. 765.16, and the  
5 parties thereto live together thereafter as ~~husband and wife~~ a married couple, and  
6 such subsequent marriage contract was entered into by one of the parties in good  
7 faith, in the full belief that the former ~~husband or wife spouse~~ was dead, or that the  
8 former marriage had been annulled, or dissolved by a divorce, or without knowledge  
9 of such former marriage, ~~they~~ the parties shall, after the impediment to their  
10 marriage has been removed by the death or divorce of the other party to such former  
11 marriage, if they continue to live together as ~~husband and wife~~ a married couple in  
12 good faith on the part of one of them, be held to have been legally married from and  
13 after the removal of such impediment and ~~the issue of any children born during~~ such  
14 subsequent marriage shall be considered as the marital issue children of both  
15 ~~parents parties~~.

16           **SECTION 111.** 765.30 (3) (a) of the statutes is amended to read:

17           **765.30 (3) (a) Penalty for unlawful solemnization of marriage.** Any officiating  
18 person who solemnizes a marriage unless the contracting parties have first obtained  
19 a proper marriage license as heretofore provided; or unless the parties to such  
20 marriage declare that ~~they take each~~ takes the other as ~~husband and wife~~ his or her  
21 spouse; or without the presence of 2 competent adult witnesses; or solemnizes a  
22 marriage knowing of any legal impediment thereto; or solemnizes a marriage more  
23 than 30 days after the date of the marriage license; or falsely certifies to the date of  
24 a marriage solemnized by the officiating person; or solemnizes a marriage in a county  
25 other than the county prescribed in s. 765.12.





1 CLASSIFICATION AGREEMENT WITH EACH OTHER WHICH WAS  
2 EFFECTIVE DURING YOUR PRESENT MARRIAGE AND YOU AND YOUR  
3 SPOUSE DID NOT COMPLETE SCHEDULE "A", YOU MAY NOT EXECUTE THIS  
4 AGREEMENT IF YOU DO NOT COMPLETE SCHEDULE "A".

5 Signature of One Spouse: ....

6 Date: ....

7 Print Name Here: ....

8 Residence Address: ....

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

10 AUTHENTICATION

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

12 \*....

13 TITLE: MEMBER STATE BAR OF WISCONSIN

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

15 ACKNOWLEDGMENT

16 STATE OF WISCONSIN )

17 ) ss.

18 .... County )

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

22 \*....

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

24 My Commission is permanent.

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

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

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

5 Signature of Other Spouse: ....

6 Date: ....

7 Print Name Here: ....

8 Residence Address: ....

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

10 AUTHENTICATION

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

12 \*....

13 TITLE: MEMBER STATE BAR OF WISCONSIN

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

15 ACKNOWLEDGMENT

16 STATE OF WISCONSIN )

17 ) ss.

18 .... County )

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

22 \*....

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

24 My Commission is permanent.

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

1 (Signatures may be authenticated or  
2 acknowledged. Both are not necessary.)  
3 \*Names of persons signing in any capacity should be  
4 typed or printed below their signatures.

5 **TERMINATION OF STATUTORY TERMINABLE**

6 **MARITAL PROPERTY CLASSIFICATION AGREEMENT**

7 **I UNDERSTAND THAT:**

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

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

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

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

22 Signature: ....

23 Date: ....

24 Print Name Here: ....

25 Residence Address: ....



## 1 SCHEDULE "A"

## 2 FINANCIAL DISCLOSURE

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

7 *Husband* *Wife* Spouse (Name) Spouse (Name) *Both Names*

## 8 I. ASSETS

9 A. Real estate (gross value)

10 B. Stocks, bonds and mutual funds

11 C. Accounts at and certificates or other

12 instruments issued by financial institutions

13 D. Mortgages, land contracts, promissory notes

14 and cash

15 E. Partnership interests

16 EL. Limited liability company interests.

17 F. Trust interests

18 G. Livestock, farm products, crops

19 H. Automobiles and other vehicles

20 I. Jewelry and personal effects

21 J. Household furnishings

22 K. Life insurance and annuities:

23 1. Face value

24 2. Cash surrender value

25 L. Retirement benefits (include value):

- 1                   1. Pension plans
- 2                   2. Profit sharing plans
- 3                   3. HR-10 KEOGH plans
- 4                   4. IRAs
- 5                   5. Deferred compensation plans
- 6           M. Other assets not listed elsewhere
- 7    II. OBLIGATIONS (TOTAL OUTSTANDING BALANCE):
- 8           A. Mortgages and liens
- 9           B. Credit cards
- 10          C. Other obligations to financial institutions
- 11          D. Alimony, maintenance and child support (per
- 12                   month)
- 13          E. Other obligations (such as other obligations
- 14                   to individuals, guarantees, contingent
- 15                   liabilities)

16    III. ANNUAL COMPENSATION FOR SERVICES:

17           (for example, wages and income from

18           self-employment; also include social security,

19           disability and similar income here)

(IF YOU NEED ADDITIONAL SPACE,  
ADD ADDITIONAL SHEETS)

22    **SECTION 114.** 766.589 (10) (form) 14. of the statutes is amended to read:

23           766.589 (10) (form) 14. IF AFTER ENTERING INTO THIS AGREEMENT

24    ONE OR BOTH OF YOU ESTABLISH A DOMICILE OUTSIDE THIS STATE, YOU

1 ARE URGED TO SEEK LEGAL ADVICE CONCERNING THE CONTINUED  
2 EFFECTIVENESS OF THIS AGREEMENT.

3 STATUTORY TERMINABLE INDIVIDUAL

4 PROPERTY CLASSIFICATION AGREEMENT

5 (Pursuant to Section 766.589, Wisconsin Statutes)

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

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

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

23 The parties (have) (have not) (strike one) completed Schedule "A", "Financial  
24 Disclosure", attached to this agreement. If Schedule "A" has not been completed, the  
25 duration of this agreement is 3 years after both parties have signed the agreement.

1 If Schedule "A" has been completed, the duration of this agreement is not limited to  
2 3 years after it is signed.

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

12 Signature of One Spouse: ....

13 Date: ....

14 Print Name Here: ....

15 Residence Address: ....

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

17 AUTHENTICATION

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

19 \*....

20 TITLE: MEMBER STATE BAR OF WISCONSIN

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

22 ACKNOWLEDGMENT

23 STATE OF WISCONSIN )

24 ) ss.

25 .... County )



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

4 \*....

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

6 My Commission is permanent.

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

8 (Signatures may be authenticated or

9 acknowledged. Both are not necessary.)

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

12 TERMINATION OF

13 STATUTORY TERMINABLE INDIVIDUAL

14 PROPERTY CLASSIFICATION AGREEMENT

15 I UNDERSTAND THAT:

16 1. THIS TERMINATION TAKES EFFECT 30 DAYS AFTER MY SPOUSE IS  
17 NOTIFIED OF THE TERMINATION, AS PROVIDED UNDER SECTION 766.589  
18 (4) OF THE WISCONSIN STATUTES.

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

