

- 1 EL. Limited liability company interests
- 2 F. Trust interests
- 3 G. Livestock, farm products, crops

- 4 H. Automobiles and other vehicles
- 5 I. Jewelry and personal effects
- 6 J. Household furnishings
- 7 K. Life insurance and annuities:
 - 8 1. Face value
 - 9 2. Cash surrender value
- 10 L. Retirement benefits (include value):
 - 11 1. Pension plans
 - 12 2. Profit sharing plans
 - 13 3. HR-10 KEOGH plans
 - 14 4. IRAs
 - 15 5. Deferred compensation plans
- 16 M. Other assets not listed elsewhere
- 17 II. OBLIGATIONS (TOTAL OUTSTANDING BALANCE):
 - 18 A. Mortgages and liens
 - 19 B. Credit cards
 - 20 C. Other obligations to financial institutions
 - 21 D. Alimony, maintenance and child support (per
 - 22 month)
 - 23 E. Other obligations (such as other obligations
 - 24 to individuals, guarantees, contingent
 - 25 liabilities)

1 III. ANNUAL COMPENSATION FOR SERVICES:

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

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

7 **SECTION 115.** 767.215 (2) (b) of the statutes is amended to read:

8 767.215 (2) (b) The name and birthdate of each minor child of the parties and
9 each other child born to ~~the wife~~ a party during the marriage, and whether ~~the wife~~
10 a party is pregnant.

11 **SECTION 116.** 767.215 (5) (a) 2. of the statutes is amended to read:

12 767.215 (5) (a) 2. The name, date of birth, and social security number of each
13 minor child of the parties and of each child who was born to ~~the wife~~ a party during
14 the marriage and who is a minor.

15 **SECTION 117.** 767.323 of the statutes is amended to read:

16 **767.323 Suspension of proceedings to effect reconciliation.** During the
17 pendency of an action for divorce or legal separation, the court may, upon written
18 stipulation of both parties that they desire to attempt a reconciliation, enter an order
19 suspending any and all orders and proceedings for such period, not exceeding 90
20 days, as the court determines advisable to permit the parties to attempt a
21 reconciliation without prejudice to their respective rights. During the suspension
22 period, the parties may resume living together as ~~husband and wife~~ a married couple
23 and their acts and conduct do not constitute an admission that the marriage is not
24 irretrievably broken or a waiver of the ground that the parties have voluntarily lived
25 apart continuously for 12 months or more immediately prior to the commencement

1 of the action. Suspension may be revoked upon the motion of either party by an order
2 of the court. If the parties become reconciled, the court shall dismiss the action. If
3 the parties are not reconciled after the period of suspension, the action shall proceed
4 as though no reconciliation period was attempted.

5 SECTION 118. 767.80 (1) (intro.) of the statutes is amended to read:

6 767.80 (1) WHO MAY BRING ACTION OR FILE MOTION. (intro.) The following persons
7 may bring an action or file a motion, including an action or motion for declaratory
8 judgment, for the purpose of determining the paternity of a child or for the purpose
9 of rebutting the presumption of paternity under s. 891.405 or the presumption of
10 parentage under s. 891.41 (1):

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

12 767.80 (1) (c) Unless s. 767.805 (1) applies, a male ^{or/ke person} presumed to be the child's
13 father under s. 891.405 or a person presumed to be the child's parent under s. 891.41
14 (1). parent

15 SECTION 120. 767.80 (2) of the statutes is amended to read:

16 767.80 (2) CERTAIN AGREEMENTS NOT A BAR TO ACTION. Regardless of its terms,
17 an agreement made after July 1, 1981, other than an agreement approved by the
18 court between an alleged father or presumed father parent and the mother or child,
19 does not bar an action under this section. Whenever the court approves an
20 agreement in which one of the parties agrees not to commence an action under this
21 section, the court shall first determine whether or not the agreement is in the best
22 interest of the child. The court shall not approve any provision waiving the right to
23 bring an action under this section if this provision is contrary to the best interests
24 of the child.

25 SECTION 121. 767.855 of the statutes is amended to read:

INS
EAW 53-25

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

9 **SECTION 122.** 767.863 (1m) of the statutes is amended to read:

10 **767.863 (1m) PATERNITY ALLEGATION BY MALE PERSON OTHER THAN HUSBAND**
11 **SPOUSE; WHEN DETERMINATION NOT IN BEST INTEREST OF CHILD.** In an action to establish
12 the paternity of a child who was born to a woman while she was married, if a male
13 person other than the woman's husband spouse alleges that he, not the husband
14 woman's spouse, is the child's father biological parent, a party, or the woman if she
15 is not a party, may allege that a judicial determination that a male person other than
16 the husband woman's spouse is the father biological parent is not in the best interest
17 of the child. If the court or a supplemental court commissioner under s. 757.675 (2)
18 (g) determines that a judicial determination of whether a male person other than the
19 husband woman's spouse is the father biological parent is not in the best interest of
20 the child, no genetic tests may be ordered and the action shall be dismissed.

21 **SECTION 123.** 767.87 (1m) (intro.) of the statutes is amended to read:

22 **767.87 (1m) BIRTH RECORD REQUIRED.** (intro.) If the child was born in this state,
23 the petitioner shall present a certified copy of the child's birth record or a printed copy
24 of the record from the birth database of the state registrar to the court, so that the

1 court is aware of whether a name has been inserted on the birth record as the ~~father~~
2 parent of the child other than the mother, at the earliest possible of the following:

3 **SECTION 124.** 767.87 (8) of the statutes is amended to read:

4 767.87 (8) BURDEN OF PROOF. The party bringing an action for the purpose of
5 determining paternity or for the purpose of declaring the nonexistence of paternity
6 presumed under s. 891.405 or the nonexistence of parentage presumed under s.
7 891.41 (1) shall have the burden of proving the issues involved by clear and
8 satisfactory preponderance of the evidence.

9 **SECTION 125.** 767.87 (9) of the statutes is amended to read:

10 767.87 (9) ARTIFICIAL INSEMINATION; NATURAL FATHER PARENT. ~~Where~~ If a child
11 is conceived by artificial insemination, the ~~husband~~ spouse of the mother of the child
12 at the time of the conception of the child is the natural ~~father~~ parent of the child, as
13 provided in s. 891.40.

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

15 767.883 (1) TWO PARTS. The trial shall be divided into 2 parts, the first part
16 dealing with the determination of paternity and the 2nd part dealing with child
17 support, legal custody, periods of physical placement, and related issues. The main
18 issue at the first part shall be whether the alleged or presumed ~~father~~ ^{parent} is or is not the
19 ~~father~~ ^{parent} of the mother's child, but if the child was born to the mother while she was the
20 lawful ~~wife~~ spouse of a specified ~~male person~~, the prior issue of whether the ~~husband~~
21 mother's spouse was not the ~~father~~ parent of the child shall be determined first, as
22 provided under s. 891.39. The first part of the trial shall be by jury only if the
23 defendant verbally requests a jury trial either at the initial appearance or pretrial
24 hearing or requests a jury trial in writing prior to the pretrial hearing. The court may
25 direct and, if requested by either party before the introduction of any testimony in

1 the party's behalf, shall direct the jury to find a special verdict as to any of the issues
2 specified in this section, except that the court shall make all of the findings
3 enumerated in s. 767.89 (2) to (4). If the mother is dead, becomes insane, cannot be
4 found within the jurisdiction, or fails to commence or pursue the action, the
5 proceeding does not abate if any of the persons under s. 767.80 (1) makes a motion
6 to continue. The testimony of the mother taken at the pretrial hearing may in any
7 such case be read in evidence if it is competent, relevant, and material. The issues
8 of child support, custody, and visitation, and related issues shall be determined by
9 the court either immediately after the first part of the trial or at a later hearing before
10 the court.

11 **SECTION 127.** 769.316 (9) of the statutes is amended to read:

12 769.316 (9) The defense of immunity based on the relationship of husband and
13 wife between spouses or parent and child does not apply in a proceeding under this
14 chapter.

15 **SECTION 128.** 769.401 (2) (a) of the statutes is amended to read:

16 769.401 (2) (a) A ^{parent or} ~~presumed father~~ parent of the child.

①
MS
56-77
SMB

17 **SECTION 129.** 769.401 (2) (g) of the statutes is amended to read:
18 769.401 (2) (g) The mother A parent of the child.

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

20 815.20 (1) An exempt homestead as defined in s. 990.01 (14) selected by a
21 resident owner and occupied by him or her shall be exempt from execution, from the
22 lien of every judgment, and from liability for the debts of the owner to the amount
23 of \$75,000, except mortgages, laborers', mechanics', and purchase money liens, and
24 taxes, and except as otherwise provided. The exemption shall not be impaired by
25 temporary removal with the intention to reoccupy the premises as a homestead nor

1 by the sale of the homestead, but shall extend to the proceeds derived from the sale
2 to an amount not exceeding \$75,000, while held, with the intention to procure
3 another homestead with the proceeds, for 2 years. The exemption extends to land
4 owned by ~~husband and wife~~ spouses jointly or in common or as marital property, and
5 each spouse may claim a homestead exemption of not more than \$75,000. The
6 exemption extends to the interest therein of tenants in common, having a homestead
7 thereon with the consent of the cotenants, and to any estate less than a fee.

8 **SECTION 131.** 822.40 (4) of the statutes is amended to read:

9 822.40 (4) A privilege against disclosure of communications between spouses
10 and a defense of immunity based on the relationship of ~~husband and wife~~ between
11 spouses or parent and child may not be invoked in a proceeding under this
12 subchapter.

13 **SECTION 132.** 851.30 (2) (a) of the statutes is amended to read:

14 851.30 (2) (a) An individual who obtains or consents to a final decree or
15 judgment of divorce from the decedent or an annulment of their marriage, if the
16 decree or judgment is not recognized as valid in this state, unless they subsequently
17 participate in a marriage ceremony purporting to marry each other or they
18 subsequently hold themselves out as ~~husband and wife~~ married to each other.

19 **SECTION 133.** 852.01 (1) (f) 1. of the statutes is amended to read:

20 852.01 (1) (f) 1. One-half to the ~~maternal~~ grandparents on one side equally if
21 both survive, or to the surviving ~~maternal~~ grandparent on that side; if both ~~maternal~~
22 grandparents on that side are deceased, to the issue of the ~~maternal~~ grandparents
23 on that side or either of them, per stirpes.

24 **SECTION 134.** 852.01 (1) (f) 2. of the statutes is amended to read:

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

3 **SECTION 135.** 852.01 (1) (f) 3. of the statutes is amended to read:

4 852.01 (1) (f) 3. If either ~~the maternal side or the paternal side~~ has no surviving
5 grandparent or issue of a grandparent, the entire estate to the decedent's relatives
6 on the other side.

7 **SECTION 136.** 854.03 (3) of the statutes is amended to read:

8 854.03 (3) **MARITAL PROPERTY.** Except as provided in subs. (4) and (5), if ~~a~~
9 husband and wife 2 spouses die leaving marital property and it is not established
10 that one survived the other by at least 120 hours, 50 percent of the marital property
11 shall be distributed as if it were ~~the husband's~~ the first spouse's individual property
12 and the husband 2nd spouse had survived, and 50 percent of the marital property
13 shall be distributed as if it were the wife's 2nd spouse's individual property and the
14 wife first spouse had survived.

15 **SECTION 137.** 891.39 (title) of the statutes is amended to read:

16 **891.39 (title) Presumption as to whether a child is marital or**
17 **nonmarital; self-erimination self-incrimination; birth certificates.**

18 **SECTION 138.** 891.39 (1) (a) of the statutes is amended to read:

19 891.39 (1) (a) Whenever it is established in an action or proceeding that a child
20 was born to a woman while she was the lawful wife of legally married to a specified
21 man person, any party asserting in such action or proceeding that the ~~husband was~~
22 spouse is not the father parent of the child shall have the burden of proving that
23 assertion by a clear and satisfactory preponderance of the evidence. In all such
24 actions or proceedings the ~~husband and the wife~~ spouses are competent to testify as
25 witnesses to the facts. The court or judge in such cases shall appoint a guardian ad

1 litem to appear for and represent the child whose paternity parentage is questioned.
2 Results of a genetic test, as defined in s. 767.001 (1m), showing that a man person
3 other than the husband mother's spouse is not excluded as the father of the child and
4 that the statistical probability of the man's person's parentage is 99.0 percent or
5 higher constitute a clear and satisfactory preponderance of the evidence of the
6 assertion under this paragraph, even if the husband mother's spouse is unavailable
7 to submit to genetic tests, as defined in s. 767.001 (1m).

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

9 891.39 (1) (b) In actions affecting the family, in which the question of paternity
10 parentage is raised, and in paternity proceedings, the court, upon being satisfied that
11 the parties to the action are unable to adequately compensate any such guardian ad
12 litem for the guardian ad litem's services and expenses, shall then make an order
13 specifying the guardian ad litem's compensation and expenses, which compensation
14 and expenses shall be paid as provided in s. 967.06. If the court orders a county to
15 pay the compensation of the guardian ad litem, the amount ordered may not exceed
16 the compensation paid to private attorneys under s. 977.08 (4m) (b).

17 **SECTION 140.** 891.39 (3) of the statutes is amended to read:

18 891.39 (3) If any court under this section adjudges a child to be a nonmarital
19 child, the clerk of court shall report the facts to the state registrar, who shall issue
20 a new birth record showing the correct facts as found by the court, and shall dispose
21 of the original, with the court's report attached under s. 69.15 (3). If the husband
22 mother's spouse is a party to the action and the court makes a finding as to whether
23 or not the husband mother's spouse is the father parent of the child, such finding
24 shall be conclusive in all other courts of this state.

1 SECTION 141. 891.40 (1) of the statutes is renumbered 891.40 (1) (a) and
2 amended to read:

3 891.40 (1) (a) If, under the supervision of a licensed physician and with the

4 consent of her husband ^{strike} spouse, a wife ^{PERSON} woman is inseminated artificially as provided
5 in par. (b) with semen donated by a ^{strike} man ^{PERSON} who is not her husband ^{strike} spouse, the husband
6 spouse of the ^{strike} mother ^{inseminated person} at the time of the conception of the child shall be the natural
7 father parent of a child conceived. The husband's spouse's consent must be in writing
8 and signed by him or her and his wife. The by the mother ^{the inseminated person}

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

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

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

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

24 SECTION 142. 891.40 (1) (b) of the statutes is created to read:

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

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

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

6 SECTION 143. 891.40 (2) of the statutes is amended to read:

7 891.40 (2) The donor of semen provided to a licensed physician or obtained from
8 a sperm bank for use in the artificial insemination of a woman other than the donor's
9 wife spouse is not the natural ~~father~~ parent of a child conceived, bears no liability for
10 the support of the child, and has no parental rights with regard to the child.

11 SECTION 144. 891.40 (3) of the statutes is created to read:

12 891.40 (3) This section applies with respect to children conceived before, on,
13 or after the effective date of this subsection ... [LRB inserts date], as a result of
14 artificial insemination.

15 SECTION 145. 891.41 (title) of the statutes is amended to read:

16 891.41 (title) **Presumption of paternity parentage based on marriage of**
17 **the parties.**

18 SECTION 146. 891.41 (1) (intro.) of the statutes is amended to read:

19 891.41 (1) (intro.) A ~~man~~ person is presumed to be the natural ~~father~~ parent
20 of a child if any of the following applies:

21 SECTION 147. 891.41 (1) (a) of the statutes is amended to read:

22 891.41 (1) (a) He The person and the child's ^{established} ~~natural~~ ^{strike} ~~mother~~ ^{parent} are or have been
23 married to each other and the child is conceived or born after marriage and before
24 the granting of a decree of legal separation, annulment, or divorce between the
25 parties.

INSEMINATION-15

established strike parent

1 SECTION 148. 891.41 (1) (b) of the statutes is renumbered 891.41 (1) (b) (intro.)
2 and amended to read:

3 891.41 (1) (b) (intro.) ~~He~~ The person and the child's ^{established} ~~natural mother~~ were
4 married to each other after the child was born but he the person and the child's
5 ^{established} ~~natural mother~~ ^{struck} had a relationship with one another during the period of time within
6 which the child was conceived and ~~no other~~ ^{parent} all of the following apply:

- 7 1. ~~No man~~ ^{struck} Person has been adjudicated to be the father or,
8 2. No other person is presumed to be the ~~father~~ ^{parent} of the child under par.
9 (a).

10 SECTION 149. 891.41 (2) of the statutes is amended to read:

11 891.41 (2) In a legal action or proceeding, a presumption under sub. (1) is
12 rebutted by results of a genetic test, as defined in s. 767.001 (1m), that show that a
13 man person other than the man person presumed to be the ~~father~~ ^{parent} under sub.
14 (1) is not excluded as the father of the child and that the statistical probability of the
15 man's person's parentage is 99.0 percent or higher, even if the man person presumed
16 to be the ~~father~~ natural parent under sub. (1) is unavailable to submit to genetic
17 tests, as defined in s. 767.001 (1m).

18 SECTION 150. 891.41 (3) of the statutes is created to read:

19 891.41 (3) This section applies with respect to children born before, on, or after
20 the effective date of this subsection [LRB inserts date].

21 SECTION 151. 905.05 (title) of the statutes is amended to read:

22 905.05 (title) ~~Husband-wife~~ Spousal and domestic partner privilege.

23 SECTION 152. 938.02 (13) of the statutes is amended to read:

24 938.02 (13) "Parent" means a biological natural parent, ~~a husband who has~~
25 ~~consented to the artificial insemination of his wife under s. 891.40,~~ or a parent by

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

16 SECTION 153. 938.396 (2g) (g) of the statutes is amended to read:

17 938.396 (2g) (g) *Paternity* of juvenile. Upon request of a court having
 18 jurisdiction over actions affecting the family, an attorney responsible for support
 19 enforcement under s. 59.53 (6) (a) or a party to a paternity proceeding under subch.
 20 IX of ch. 767, the party's attorney or the guardian ad litem for the juvenile who is the
 21 subject of that proceeding to review or be provided with information from the records
 22 of the court assigned to exercise jurisdiction under this chapter and ch. 48 relating
 23 to the paternity of a juvenile for the purpose of determining the paternity of the
 24 juvenile or for the purpose of rebutting the presumption of paternity under s. 891.405
 25 or the presumption of parentage under s. 891.41, the court assigned to exercise

1 jurisdiction under this chapter and ch. 48 shall open for inspection by the requester
2 its records relating to the ~~paternity~~ of the juvenile or disclose to the requester those
3 records. *Parentage*

4 **SECTION 154.** 943.20 (2) (c) of the statutes is amended to read:

5 943.20 (2) (c) "Property of another" includes property in which the actor is a
6 co-owner and property of a partnership of which the actor is a member, unless the
7 actor and the victim are ~~husband and wife~~ married to each other.

8 **SECTION 155.** 943.201 (1) (b) 8. of the statutes is amended to read:

9 943.201 (1) (b) 8. The ~~maiden name~~ surname of an individual's ~~mother parent~~
10 before marriage if the surname was changed as a result of marriage.

11 **SECTION 156.** 943.205 (2) (b) of the statutes is amended to read:

12 943.205 (2) (b) "Owner" includes a co-owner of the person charged and a
13 partnership of which the person charged is a member, unless the person charged and
14 the victim are ~~husband and wife~~ married to each other.

15 **SECTION 157.** 990.01 (22m) of the statutes is created to read:

16 990.01 (22m) NATURAL PARENT. "Natural parent" means a parent of a child who
17 is not an adoptive parent, whether the parent is biologically related to the child or
18 not.

19 **SECTION 158.** 990.01 (39) of the statutes is created to read:

20 990.01 (39) SPOUSES. "Spouses" means 2 individuals of the same sex or different
21 sexes who are legally married to each other.

22 **SECTION 159.** 990.01 (40m) of the statutes is created to read:

23 990.01 (40m) STEPPARENT. "Stepparent" means a person who is the spouse of
24 a child's parent and who is not also a parent of the child.

25 **SECTION 160. Nonstatutory provisions.**

INS EAW Analysis

Under current law, a mother and a man may sign a statement acknowledging paternity and file it with the state registrar. If the state registrar has received such a statement, the man is presumed to be the father of the child. Under current law, either person who has signed a statement acknowledging paternity may rescind the statement before an order is filed in an action affecting the family concerning the child, or within 60 days after the statement is filed, whichever occurs first. Under current law, a man who has filed a statement acknowledging paternity that is not rescinded within the time period is conclusively determined to be the father of the child. This bill provides that two people may sign a statement acknowledging parentage and file it with the state registrar. If the state registrar has received such a statement, the people who have signed the statement are presumed to be the parents of the child. Under the bill, a statement acknowledging parentage that is not rescinded conclusively establishes parentage with regard to the person who did not give birth to the child and who signed the statement.

Ins EAW 25-4

SECTION 1. 69.15 (3) (title), (a) (intro.), 1., 2., and 3., (b) 1., 2., 3., and 4. (intro), a., and b. of the statutes are amended to read:

69.15 (3) (title) PATERNITY PARENTAGE. (a) If the state registrar receives an order under sub. (1) which establishes paternity or determines that the ~~man~~ person whose name appears on a registrant's birth record is not the ~~father~~ parent of the registrant, the state registrar shall do the following, as appropriate:

1. Prepare under sub. (6) a new record omitting the ~~father's~~ parent's name if the order determines that the ~~man~~ person whose name appears on a registrant's birth record is not the ~~father~~ parent of the registrant and if there is no adjudicated father.

2. Prepare under sub. (6) a new record for the subject of a paternity action changing the name of the ~~father~~ parent if the name of the adjudicated father is different than the name of the ~~man~~ person on the birth record.

3. Except as provided under subd. 4., insert the name of the adjudicated father on the original birth record if the name of ~~the father~~ ^{strike} that parent was omitted on the original record.

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

(b) 1. Except as provided under par. (c), if the state registrar receives a statement acknowledging paternity parentage in the manner prescribed by the state registrar and signed by both of the birth natural parents of a child determined to be a marital child under s. 767.803, a certified copy of the parents' marriage record, and the fee required under s. 69.22 (5) (b) 1., the state registrar shall insert the name of the husband spouse of the person who gave birth from the marriage record as the father parent if the name of the father that parent was omitted on the original birth record. The state registrar shall include for the acknowledgment the items in s. 767.813 (5g).

2. Except as provided under par. (c), if the parent of a child determined to be a marital child under s. 767.803 dies after his or her marriage and before the statement acknowledging paternity parentage has been signed, the state registrar shall insert the name of the father parent under subd. 1. upon receipt of a court order determining that the husband spouse was the father parent of the child.

3. Except as provided under par. (c), if the state registrar receives a statement acknowledging paternity parentage in the method prescribed by the state registrar and signed by both parents, neither of whom was under the age of 18 years when the form was signed, along with the fee under s. 69.22, the state registrar shall insert the name of the father parent under subd. 1. The state registrar shall mark the record to show that the acknowledgement is on file. The acknowledgement shall be available to the department of children and families or a county child support agency

under s. 59.53 (5) pursuant to the program responsibilities under s. 49.22 or to any other person with a direct and tangible interest in the record. The state registrar shall include on the acknowledgment the information in s. 767.805 and the items in s. 767.813 (5g).

(intro.)

4. If a registrant has not reached the age of 18 years and if any of the following indicate, in a statement acknowledging paternity parentage under subd. 1. or 3., that the given name or surname, or both, of the registrant should be changed on the birth record, the state registrar shall enter the name indicated on the birth record without a court order:

a. The ~~mother of the parent who gave birth to the~~ registrant, except as provided under subd. 4. b. and c.

b. The ~~father of~~ natural parent who did not give birth to the registrant if the ~~father~~ that parent has legal custody of the registrant.

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

(title),
INS EAW 25-24

SECTION 2. 69.15 (3m) (a) (intro.) and 3. and (b) of the statutes is amended to read:

69.15 (3m) (title) RESCISSION OF STATEMENT ACKNOWLEDGING PATERNITY PARENTAGE. (a)

A statement acknowledging paternity parentage that is filed with the state registrar under sub. (3) (b) 3. may be rescinded by either person who signed the statement as a parent of the registrant if all of the following apply:

3. The person rescinding the statement files a rescission in the method prescribed under subd. 2. before the day on which a court or circuit court commissioner makes an order in an action affecting the family involving the man

person who signed the statement and the child who is the subject of the statement or before 60 days elapse after the statement was filed, whichever occurs first.

(b) If the state registrar, within the time required under par. (a) 3., receives a rescission in the method prescribed by the state registrar, along with the proper fee under s. 69.22, the state registrar shall prepare under sub. (6) a new record omitting the father's parent's name if it was inserted under sub. (3) (b).

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

INS EAW 53-25

SECTION 3. 767.803 of the statutes is amended to read:

767.803 Determination of marital children. If the ~~father and mother~~ natural parents of a nonmarital child enter into a lawful marriage or a marriage which appears and they believe is lawful, except where the parental rights of the mother parent who gave birth were terminated before either of these circumstances, the child becomes a marital child, is entitled to a change in birth record under s. 69.15 (3) (b), and shall enjoy all of the rights and privileges of a marital child as if he or she had been born during the marriage of the parents. This section applies to all cases before, on, or after its effective date, but no estate already vested shall be divested by this section and ss. 765.05 to 765.24 and 852.05. The children of all marriages declared void under the law are nevertheless marital children.

History: 1979 c. 32 ss. 48, 92 (2); Stats. 1979 s. 765.25; 1979 c. 352; Stats. 1979 s. 767.60; 1981 c. 314 s. 146; 1983 a. 447; 1985 a. 313; 2005 a. 443 s. 229; Stats. 2005 s. 767.803; 2017 a. 334.

SECTION 4. 767.805 (title) (1), (1m), (2), (3) (a), (4) (intro.) and (d), (5) (6) (a) (intro.), of the statutes are amended to read:

767.805 Voluntary acknowledgment of paternity. (1) CONCLUSIVE DETERMINATION OF PATERNITY. A statement acknowledging paternity parentage that is on file with the state registrar under s. 69.15 (3) (b) 3. after the last day on which

and

(title) and

ok

a person may timely rescind the statement, as specified in s. 69.15 (3m), is a conclusive determination, which shall be of the same effect as a judgment, of paternity. *OK*

(1m) MINOR PARENT MAY NOT SIGN. A minor may not sign a statement acknowledging ~~paternity~~ parentage.

(2) RESCISSION OF ACKNOWLEDGMENT. (a) A statement acknowledging ~~paternity~~ parentage that is filed with the state registrar under s. 69.15 (3) (b) 3. may be rescinded as provided in s. 69.15 (3m) by a person who signed the statement as a parent of the child who is the subject of the statement.

(b) If a statement acknowledging ~~paternity~~ parentage is timely rescinded as provided in s. 69.15 (3m), a court may not enter an order specified in sub. (4) with respect to the ~~male person~~ who signed the statement as the ~~father~~ parent of the child unless the ~~male person~~ is adjudicated the child's ~~father~~ parent using the procedures set forth in this subchapter, except for this section.

(3) ^(title) ACTIONS WHEN ~~PATERNITY~~ PARENTAGE ACKNOWLEDGED. (a) Unless the statement acknowledging ~~paternity~~ parentage has been rescinded, an action affecting the family concerning custody, child support or physical placement rights may be brought with respect to persons who, with respect to a child, jointly signed and filed with the state registrar under s. 69.15 (3) (b) 3. as parents of the child a statement acknowledging ~~paternity~~ parentage.

(4) ORDERS WHEN ~~PATERNITY~~ PARENTAGE ACKNOWLEDGED. In an action under sub. (3) (a), if the persons who signed and filed the statement acknowledging ~~paternity~~ parentage of the child had notice of the hearing, the court shall make an order that contains all of the following provisions:

(d) 1. An order establishing the amount of the father's obligation to pay or contribute to the reasonable expenses of the mother's pregnancy and the child's birth childbirth by the parent who did not give birth. The amount established may not exceed one-half of the total actual and reasonable pregnancy and birth expenses. The order also shall specify the court's findings as to whether the father's parent who did not give birth has an income that is at or below the poverty line established under 42 USC 9902 (2), and shall specify whether periodic payments are due on the obligation, based on the father's parent's ability to pay or contribute to those expenses.

2. If the order does not require periodic payments because the father parent has no present ability to pay or contribute to the expenses, the court may modify the judgment or order at a later date to require periodic payments if the father parent has the ability to pay at that time.

(5) VOIDING DETERMINATION. (a) A determination of paternity parentage that arises under this section may be voided at any time upon a motion or petition stating facts that show fraud, duress or a mistake of fact. Except for good cause shown, any orders entered under sub. (4) shall remain in effect during the pendency of a proceeding under this paragraph.

(b) If a court in a proceeding under par. (a) determines that the male person is not the father parent of the child, the court shall vacate any order entered under sub. (4) with respect to the male parent. The court or the county child support agency under s. 59.53 (5) shall notify the state registrar, in the manner provided in s. 69.15 (1) (b), to remove the male's person's name as the father parent of the child from the child's birth record. No paternity action may thereafter be brought against the male person with respect to the child.

(6) APPLICABILITY. (a) This section does not apply unless all of the following apply to the statement acknowledging paternity parentage:

History: 1993 a. 481; 1995 a. 100; 1997 a. 191; 1999 a. 9; 2001 a. 16, 61; 2005 a. 304; 2005 a. 443 ss. 233, 242; Stats. 2005 s. 767.805; 2013 a. 170; 2017 a. 203, 334, 366.

NOTE: 2005 Wis. Act 443 contains explanatory notes.

INS EAW 61-15

SECTION 5. 891.405 of the statutes is amended to read:

891.405 Presumption of paternity parentage based on acknowledgment. A ~~man~~ person is presumed to be the natural ~~father~~ parent of a child if he ~~the person~~ and the ~~mother~~ person who gave birth have acknowledged paternity parentage under s. 69.15 (3) (b) 1. or 3. and no other ~~man~~ person is presumed to be the ~~father~~ natural parent under s. 891.41 (1).

History: 1989 a. 212; 1993 a. 213; 1997 a. 191.

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

LRB-2160/P1ins
TD/SW/ES/EW:cjs

INSERT 25-24 (SWB)

1 **SECTION 1.** 69.15 (3) (d) of the statutes is amended to read:

2 ~~69.15 (3) (d) The method prescribed by the state registrar for acknowledging~~
3 ~~paternity parentage~~ shall require that the social security number of each of the
4 registrant's parents be provided.

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

(END INSERT 25-24 (SWB))

INSERT 56-17 (SWB)

5 **SECTION 2.** 769.401 (2) (g) of the statutes is repealed.

(END INSERT 56-17 (SWB))

1 **INSERT 9-14**

2 **SECTION 1.** 48.025 (title) of the statutes is amended to read:

3 **48.025 (title) Declaration of paternal parental interest in matters**
4 **affecting children.**

History: 1973 c. 263; 1979 c. 330; 1981 c. 359; 1983 a. 447; 2005 a. 293; 2005 a. 443 s. 265.

5 **SECTION 2.** 48.025 (2) (b) of the statutes is amended to read:

6 **48.025 (2) (b)** A declaration under sub. (1) may be filed at any time before the
7 birth of the child or within 14 days after the birth of the child, except that a man
8 person who receives a notice under s. 48.42 (1g) (b) may file a declaration within 21
9 days after the date on which the notice was mailed. This paragraph does not apply
10 to a declaration filed before July 1, 2006.

History: 1973 c. 263; 1979 c. 330; 1981 c. 359; 1983 a. 447; 2005 a. 293; 2005 a. 443 s. 265.

11 **SECTION 3.** 48.025 (3) (c) of the statutes is amended to read:

12 **48.025 (3) (c)** A court in a proceeding under s. 48.13, 48.133, 48.14, or 938.13
13 or under a substantially similar law of another state or a person authorized to file
14 a petition under s. 48.25, 48.42, 48.837, or 938.25 or under a substantially similar
15 law of another state may request the department to search its files to determine
16 whether a person who may be the father parent of the child who is the subject of the
17 proceeding has filed a declaration under this section. If the department has on file
18 a declaration of paternal parental interest in matters affecting the child, the
19 department shall issue to the requester a copy of the declaration. If the department
20 does not have on file a declaration of paternal parental interest in matters affecting
21 the child, the department shall issue to the requester a statement that no declaration
22 could be located. The department may require a person who requests a search under

1 this paragraph to pay a reasonable fee that is sufficient to defray the costs to the
2 department of maintaining its file of declarations and publicizing information
3 relating to declarations of paternal parental interest under this section.

History: 1973 c. 263; 1979 c. 330; 1981 c. 359; 1983 a. 447; 2005 a. 293; 2005 a. 443 s. 265.

4 **SECTION 4.** 48.27 (3) (b) 1. a. of the statutes is amended to read:

5 48.27 (3) (b) 1. a. A person who has filed a declaration of paternal parental
6 interest under s. 48.025.

History: 1977 c. 354; 1979 c. 300, 331, 359; 1983 a. 27; Sup. Ct. Order, 141 Wis. 2d xiv (1987); 1987 a. 403; 1991 a. 263, 315; 1993 a. 98, 395; 1995 a. 27, 77, 275; 1997 a. 237, 292; 1999 a. 32, 149; 2005 a. 293; 2005 a. 443 s. 265; 2007 a. 96; 2009 a. 28, 79, 94; 2013 a. 170.

7 **SECTION 5.** 48.27 (3) (b) 1. b. of the statutes is amended to read:

8 48.27 (3) (b) 1. b. A person alleged to the court to be the ~~father~~ ^{↓ a} biological parent
9 of the child or who may, based on the statements of the mother birth parent or other
10 information presented to the court, be the father biological parent of the child.

parent
who
gave
birth
to the
child

History: 1977 c. 354; 1979 c. 300, 331, 359; 1983 a. 27; Sup. Ct. Order, 141 Wis. 2d xiv (1987); 1987 a. 403; 1991 a. 263, 315; 1993 a. 98, 395; 1995 a. 27, 77, 275; 1997 a. 237, 292; 1999 a. 32, 149; 2005 a. 293; 2005 a. 443 s. 265; 2007 a. 96; 2009 a. 28, 79, 94; 2013 a. 170.

11 **SECTION 6.** 48.27 (5) of the statutes is amended to read:

12 48.27 (5) Subject to sub. (3) (b), the court shall make every reasonable effort
13 to identify and notify any person who has filed a declaration of paternal parental
14 interest under s. 48.025, any person who has acknowledged paternity of the child
15 under s. 767.805 (1), and any person who has been adjudged to be the father parent
16 of the child in a judicial proceeding unless the person's parental rights have been
17 terminated.

History: 1977 c. 354; 1979 c. 300, 331, 359; 1983 a. 27; Sup. Ct. Order, 141 Wis. 2d xiv (1987); 1987 a. 403; 1991 a. 263, 315; 1993 a. 98, 395; 1995 a. 27, 77, 275; 1997 a. 237, 292; 1999 a. 32, 149; 2005 a. 293; 2005 a. 443 s. 265; 2007 a. 96; 2009 a. 28, 79, 94; 2013 a. 170.

18 **SECTION 7.** 48.299 (6) (intro.) of the statutes is amended to read:

19 48.299 (6) (intro.) If a man person who has been given notice under s. 48.27
20 (3) (b) 1. appears at any hearing for which he or she received the notice, alleges that

1 he or she is ~~the father~~ a parent of the child and states that he or she wishes to
2 establish the paternity parentage of the child, all of the following apply:

History: 1979 c. 300; 1981 c. 353; 1985 a. 311; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1991 a. 263, 269; 1993 a. 16, 32, 98, 227, 228, 395; 1995 a. 77, 201, 275; 1997 a. 35, 252, 292, 334; 1999 a. 32, 149; 2005 a. 443 s. 265; 2009 a. 28, 94, 180; 2011 a. 181, 258; 2013 a. 170, 252; 2015 a. 373.

Judicial Council Note, 1988: Sub. (5) allows a judicial review of the status of a child held in a county jail, or a continuation of custody hearing, to be held by telephone conference, or telephoned testimony to be admitted at such a hearing, on request of any party, unless good cause to the contrary is shown. [Re Order effective Jan. 1, 1988]

3 **SECTION 8.** 48.299 (6) (e) 1. of the statutes is amended to read:

4 48.299 (6) (e) 1. In this paragraph, “genetic test” means a test that examines
5 genetic markers present on blood cells, skin cells, tissue cells, bodily fluid cells or
6 cells of another body material for the purpose of determining the statistical
7 probability that a ~~man~~ person who is alleged to be a child’s ~~father~~ parent is the child’s
8 biological ~~father~~ parent.

History: 1979 c. 300; 1981 c. 353; 1985 a. 311; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1991 a. 263, 269; 1993 a. 16, 32, 98, 227, 228, 395; 1995 a. 77, 201, 275; 1997 a. 35, 252, 292, 334; 1999 a. 32, 149; 2005 a. 443 s. 265; 2009 a. 28, 94, 180; 2011 a. 181, 258; 2013 a. 170, 252; 2015 a. 373.

Judicial Council Note, 1988: Sub. (5) allows a judicial review of the status of a child held in a county jail, or a continuation of custody hearing, to be held by telephone conference, or telephoned testimony to be admitted at such a hearing, on request of any party, unless good cause to the contrary is shown. [Re Order effective Jan. 1, 1988]

9 **SECTION 9.** 48.299 (6) (e) 2. of the statutes is amended to read:

10 48.299 (6) (e) 2. The court shall, at the hearing, orally inform any ~~man~~ person
11 specified in sub. (6) (intro.) that he or she may be required to pay for any testing
12 ordered by the court under this paragraph or under s. 885.23.

History: 1979 c. 300; 1981 c. 353; 1985 a. 311; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1991 a. 263, 269; 1993 a. 16, 32, 98, 227, 228, 395; 1995 a. 77, 201, 275; 1997 a. 35, 252, 292, 334; 1999 a. 32, 149; 2005 a. 443 s. 265; 2009 a. 28, 94, 180; 2011 a. 181, 258; 2013 a. 170, 252; 2015 a. 373.

Judicial Council Note, 1988: Sub. (5) allows a judicial review of the status of a child held in a county jail, or a continuation of custody hearing, to be held by telephone conference, or telephoned testimony to be admitted at such a hearing, on request of any party, unless good cause to the contrary is shown. [Re Order effective Jan. 1, 1988]

13 **SECTION 10.** 48.299 (6) (e) 3. of the statutes is amended to read:

14 48.299 (6) (e) 3. In addition to ordering testing as provided under s. 885.23, if
15 the court determines that it would be in the best interests of the child, the court may
16 order any ~~man~~ person specified in sub. (6) (intro.) to submit to one or more genetic
17 tests which shall be performed by an expert qualified as an examiner of genetic
18 markers present on the cells and of the specific body material to be used for the tests,
19 as appointed by the court. A report completed and certified by the court-appointed
20 expert stating genetic test results and the statistical probability that the ~~man~~ person

1 alleged to be the child's father parent is the child's biological father parent based
 2 upon the genetic tests is admissible as evidence without expert testimony and may
 3 be entered into the record at any hearing. The court, upon request by a party, may
 4 order that independent tests be performed by other experts qualified as examiners
 5 of genetic markers present on the cells of the specific body materials to be used for
 6 the tests.

History: 1979 c. 300; 1981 c. 353; 1985 a. 311; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1991 a. 263, 269; 1993 a. 16, 32, 98, 227, 228, 395; 1995 a. 77, 201, 275; 1997 a. 35, 252, 292, 334; 1999 a. 32, 149; 2005 a. 443 s. 265; 2009 a. 28, 94, 180; 2011 a. 181, 258; 2013 a. 170, 252; 2015 a. 373.

Judicial Council Note, 1988: Sub. (5) allows a judicial review of the status of a child held in a county jail, or a continuation of custody hearing, to be held by telephone conference, or telephoned testimony to be admitted at such a hearing, on request of any party, unless good cause to the contrary is shown. [Re Order effective Jan. 1, 1988]

7 **SECTION 11. 48.299 (6) (e) 4. of the statutes is amended to read:**

8 48.299 (6) (e) 4. If the genetic tests show that an alleged father parent is not
 9 excluded and that the statistical probability that the alleged father parent is the
 10 child's biological father parent is 99.0 percent or higher, the court may determine
 11 that for purposes of a proceeding under this chapter, other than a proceeding under
 12 subch. VIII, the man person is the child's biological parent.

History: 1979 c. 300; 1981 c. 353; 1985 a. 311; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1991 a. 263, 269; 1993 a. 16, 32, 98, 227, 228, 395; 1995 a. 77, 201, 275; 1997 a. 35, 252, 292, 334; 1999 a. 32, 149; 2005 a. 443 s. 265; 2009 a. 28, 94, 180; 2011 a. 181, 258; 2013 a. 170, 252; 2015 a. 373.

Judicial Council Note, 1988: Sub. (5) allows a judicial review of the status of a child held in a county jail, or a continuation of custody hearing, to be held by telephone conference, or telephoned testimony to be admitted at such a hearing, on request of any party, unless good cause to the contrary is shown. [Re Order effective Jan. 1, 1988]

13 **SECTION 12. 48.299 (7) of the statutes is amended to read:**

14 48.299 (7) If a man person who has been given notice under s. 48.27 (3) (b) 1.
 15 appears at any hearing for which he or she received the notice but does not allege that
 16 he or she is the father a parent of the child and state that he or she wishes to establish
 17 the paternity parentage of the child or if no man person to whom such notice was
 18 given appears at a hearing, the court may refer the matter to the state or to the
 19 attorney responsible for support enforcement under s. 59.53 (6) (a) for a

1 determination, under s. 767.80, of whether an action should be brought for the
2 purpose of determining the paternity parentage of the child.

History: 1979 c. 300; 1981 c. 353; 1985 a. 311; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1991 a. 263, 269; 1993 a. 16, 32, 98, 227, 228, 395; 1995 a. 77, 201, 275; 1997 a. 35, 252, 292, 334; 1999 a. 32, 149; 2005 a. 443 s. 265; 2009 a. 28, 94, 180; 2011 a. 181, 258; 2013 a. 170, 252; 2015 a. 373.

Judicial Council Note, 1988: Sub. (5) allows a judicial review of the status of a child held in a county jail, or a continuation of custody hearing, to be held by telephone conference, or telephoned testimony to be admitted at such a hearing, on request of any party, unless good cause to the contrary is shown. [Re Order effective Jan. 1, 1988]

3 **SECTION 13. 48.355 (4g) (a) 1. of the statutes is amended to read:**

4 48.355 (4g) (a) 1. The child's parents are parties to a pending action for divorce,
5 annulment, or legal separation, a man person determined under s. 48.299 (6) (e) 4.
6 to be the biological father parent of the child for purposes of a proceeding under this
7 chapter is a party to a pending action to determine paternity of the child under ch.
8 767, or the child is the subject of a pending independent action under s. 767.41 or
9 767.43 to determine legal custody of the child or visitation rights with respect to the
10 child.

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007 a. 20, 116; 2009 a. 28, 79, 94, 185, 302; 2011 a. 181, 258; 2013 a. 165, 170, 237, 334, 362; 2015 a. 172, 366, 367, 373.

INS
10-1

11 **SECTION 14. 48.42 (1g) (a) 4. of the statutes is amended to read:**

12 48.42 (1g) (a) 4. A statement identifying any man person who has lived in a
13 familial relationship with the child and who may be ~~the father~~ a parent of the child.

History: 1973 c. 263; 1977 c. 354; 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 391; 1983 a. 447; 1985 a. 94; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1989 a. 86; 1993 a. 395, 446; 1995 a. 108, 225, 275, 352; 1997 a. 35, 80, 191, 237; 1999 a. 9, 83; 2005 a. 277, 293; 2005 a. 443 s. 265; 2007 a. 96, 97; 2009 a. 28, 79, 94; 2011 a. 257 s. 56; 2015 a. 373, 381.

Judicial Council Note, 1986: Subs. (3) (d) and (4) (c) are amended to require notice to the parties of the time and manner for initiating an appeal from a judgment terminating parental rights. [Re Order eff. 7-1-87]

14 **SECTION 15. 48.42 (1g) (b) of the statutes is amended to read:**

15 48.42 (1g) (b) The petitioner shall notify any man person identified in the
16 affidavit under par. (a) as an alleged father parent of his right to file a declaration
17 of ~~paternal~~ parental interest under s. 48.025 before the birth of the child, within 14
18 days after the birth of the child, or within 21 days after the date on which the notice
19 is mailed, whichever is later; of the birth date or anticipated birth date of the child;
20 and of the consequences of filing or not filing a declaration of paternal parental

1 interest. The petitioner shall include with the notice a copy of the form required to
2 file a declaration of paternal parental interest under s. 48.025. The notice shall be
3 sent by certified mail to the last-known address of the alleged father parent.

History: 1973 c. 263; 1977 c. 354; 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 391; 1983 a. 447; 1985 a. 94; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1989 a. 86; 1993 a. 395, 446; 1995 a. 108, 225, 275, 352; 1997 a. 35, 80, 191, 237; 1999 a. 9, 83; 2005 a. 277, 293; 2005 a. 443 s. 265; 2007 a. 96, 97; 2009 a. 28, 79, 94; 2011 a. 257 s. 56; 2015 a. 373, 381.

Judicial Council Note, 1986: Subs. (3) (d) and (4) (c) are amended to require notice to the parties of the time and manner for initiating an appeal from a judgment terminating parental rights. [Re Order eff. 7-1-87]

4 **SECTION 16.** 48.42 (1g) (b) of the statutes is amended to read:

5 48.42 (1g) (b) The petitioner shall notify any man person identified in the
6 affidavit under par. (a) as an alleged father parent of his the right to file a declaration
7 of paternal parental interest under s. 48.025 before the birth of the child, within 14
8 days after the birth of the child, or within 21 days after the date on which the notice
9 is mailed, whichever is later; of the birth date or anticipated birth date of the child;
10 and of the consequences of filing or not filing a declaration of paternal parental
11 interest. The petitioner shall include with the notice a copy of the form required to
12 file a declaration of paternal parental interest under s. 48.025. The notice shall be
13 sent by certified mail to the last-known address of the alleged father parent.

History: 1973 c. 263; 1977 c. 354; 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 391; 1983 a. 447; 1985 a. 94; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1989 a. 86; 1993 a. 395, 446; 1995 a. 108, 225, 275, 352; 1997 a. 35, 80, 191, 237; 1999 a. 9, 83; 2005 a. 277, 293; 2005 a. 443 s. 265; 2007 a. 96, 97; 2009 a. 28, 79, 94; 2011 a. 257 s. 56; 2015 a. 373, 381.

Judicial Council Note, 1986: Subs. (3) (d) and (4) (c) are amended to require notice to the parties of the time and manner for initiating an appeal from a judgment terminating parental rights. [Re Order eff. 7-1-87]

14 **SECTION 17.** 48.42 (1g) (b) of the statutes is amended to read:

15 48.42 (1g) (b) The petitioner shall notify any man person identified in the
16 affidavit under par. (a) as an alleged father of his right to file a declaration of paternal
17 parental interest under s. 48.025 before the birth of the child, within 14 days after the
18 birth of the child, or within 21 days after the date on which the notice is mailed,
19 whichever is later; of the birth date or anticipated birth date of the child; and of the
20 consequences of filing or not filing a declaration of paternal parenta interest. The
21 petitioner shall include with the notice a copy of the form required to file a

1 declaration of paternal interest under s. 48.025. The notice shall be sent by certified
2 mail to the last-known address of the alleged father parent.

History: 1973 c. 263; 1977 c. 354; 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 391; 1983 a. 447; 1985 a. 94; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1989 a. 86; 1993 a. 395, 446; 1995 a. 108, 225, 275, 352; 1997 a. 35, 80, 191, 237; 1999 a. 9, 83; 2005 a. 277, 293; 2005 a. 443 s. 265; 2007 a. 96, 97; 2009 a. 28, 79, 94; 2011 a. 257 s. 56; 2015 a. 373, 381.

Judicial Council Note, 1986: Subs. (3) (d) and (4) (c) are amended to require notice to the parties of the time and manner for initiating an appeal from a judgment terminating parental rights. [Re Order eff. 7-1-87]

3

4 **SECTION 18.** 48.42 (1g) (c) of the statutes is amended to read:

5 48.42 (1g) (c) If an affidavit under par. (a) is not filed with the petition, notice
6 shall be given to an alleged father parent under sub. (2).

History: 1973 c. 263; 1977 c. 354; 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 391; 1983 a. 447; 1985 a. 94; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1989 a. 86; 1993 a. 395, 446; 1995 a. 108, 225, 275, 352; 1997 a. 35, 80, 191, 237; 1999 a. 9, 83; 2005 a. 277, 293; 2005 a. 443 s. 265; 2007 a. 96, 97; 2009 a. 28, 79, 94; 2011 a. 257 s. 56; 2015 a. 373, 381.

Judicial Council Note, 1986: Subs. (3) (d) and (4) (c) are amended to require notice to the parties of the time and manner for initiating an appeal from a judgment terminating parental rights. [Re Order eff. 7-1-87]

7

SECTION 19. 48.42 (2) (b) 1. of the statutes is amended to read:

8 48.42 (2) (b) 1. A person who has filed an unrevoked declaration of paternal
9 parental interest under s. 48.025 before the birth of the child or within 14 days after
10 the birth of the child.

History: 1973 c. 263; 1977 c. 354; 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 391; 1983 a. 447; 1985 a. 94; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1989 a. 86; 1993 a. 395, 446; 1995 a. 108, 225, 275, 352; 1997 a. 35, 80, 191, 237; 1999 a. 9, 83; 2005 a. 277, 293; 2005 a. 443 s. 265; 2007 a. 96, 97; 2009 a. 28, 79, 94; 2011 a. 257 s. 56; 2015 a. 373, 381.

Judicial Council Note, 1986: Subs. (3) (d) and (4) (c) are amended to require notice to the parties of the time and manner for initiating an appeal from a judgment terminating parental rights. [Re Order eff. 7-1-87]

11

SECTION 20. 48.42 (2) (b) 2. of the statutes is amended to read:

12 48.42 (2) (b) 2. A person or persons alleged to the court to be the father a parent
13 of the child or who may, based upon the statements of the mother birth parent ^{who gave birth to the child} or
14 other information presented to the court, be the father parent of the child unless that
15 person has waived the right to notice under s. 48.41 (2) (c).

History: 1973 c. 263; 1977 c. 354; 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 391; 1983 a. 447; 1985 a. 94; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1989 a. 86; 1993 a. 395, 446; 1995 a. 108, 225, 275, 352; 1997 a. 35, 80, 191, 237; 1999 a. 9, 83; 2005 a. 277, 293; 2005 a. 443 s. 265; 2007 a. 96, 97; 2009 a. 28, 79, 94; 2011 a. 257 s. 56; 2015 a. 373, 381.

Judicial Council Note, 1986: Subs. (3) (d) and (4) (c) are amended to require notice to the parties of the time and manner for initiating an appeal from a judgment terminating parental rights. [Re Order eff. 7-1-87]

16

SECTION 21. 48.42 (2) (bm) 1. of the statutes is amended to read:

17 48.42 (2) (bm) 1. A person who has filed an unrevoked declaration of paternal
18 parental interest under s. 48.025 before the birth of the child, within 14 days after

1 the birth of the child, or within 21 days after a notice under sub. (1g) (b) is mailed,
2 whichever is later.

History: 1973 c. 263; 1977 c. 354; 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 391; 1983 a. 447; 1985 a. 94; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1989 a. 86; 1993 a. 395, 446; 1995 a. 108, 225, 275, 352; 1997 a. 35, 80, 191, 237; 1999 a. 9, 83; 2005 a. 277, 293; 2005 a. 443 s. 265; 2007 a. 96, 97; 2009 a. 28, 79, 94; 2011 a. 257 s. 56; 2015 a. 373, 381.

Judicial Council Note, 1986: Subs. (3) (d) and (4) (c) are amended to require notice to the parties of the time and manner for initiating an appeal from a judgment terminating parental rights. [Re Order eff. 7-1-87]

3 **SECTION 22.** 48.422 (6) (a) of the statutes is amended to read:


4 48.422 (6) (a) In the case of a nonmarital child who is not adopted or whose
5 parents do not subsequently intermarry under s. 767.803 and for whom paternity
6 has not been established, or for whom a declaration of ~~paternal~~ parental interest has
7 not been filed under s. 48.025 within 14 days after the date of birth of the child or,
8 if s. 48.42 (1g) (b) applies, within 21 days after the date on which the notice under
9 s. 48.42 (1g) (b) is mailed, the court shall hear testimony concerning the ~~paternity~~
10 parentage of the child. Based on the testimony, the court shall determine whether
11 all interested parties who are known have been notified under s. 48.42 (2) and (2g)
12 (ag). If not, the court shall adjourn the hearing and order appropriate notice to be
13 given.

History: 1979 c. 330; 1981 c. 359; 1983 a. 326; 1983 a. 447 ss. 10, 67; 1985 a. 176; 1997 a. 104; 2005 a. 293; 2005 a. 443 s. 265; 2007 a. 186; 2009 a. 28, 94.

14 **SECTION 23.** 48.423 (2) (d) of the statutes is amended to read:

15 48.423 (2) (d) That the person has complied with the requirements of the state
16 where the ~~mother~~ birth parent previously resided or was located to protect and
17 preserve his ~~paternal~~ or her parental interests in matters affecting the child.

History: 1979 c. 330; 2005 a. 293; 2007 a. 96, 97.

" INS 
10-23