



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2160/P2
TD/SW/ES/EW:cjs

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RMK

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 5/30
Requested by
9:15 AM
5/31 (H)

1 **AN ACT to repeal** 49.141 (1) (j) 2., 102.51 (1) (a) 2., 115.76 (12) (a) 2., 115.76 (12)
2 (a) 3. and 769.401 (2) (g); **to renumber and amend** 891.40 (1) and 891.41 (1)
3 (b); **to amend** 29.219 (4), 29.228 (5), 29.228 (6), 29.229 (2) (i), 29.2295 (2) (i),
4 29.563 (3) (a) 3., 29.607 (3), 45.01 (6) (c), 45.51 (3) (c) 2., 45.51 (5) (a) 1. b., 45.51
5 (5) (a) 1. c., 45.55, 46.10 (2), 48.02 (13), 48.025 (title), 48.025 (2) (b), 48.025 (3)
6 (c), 48.27 (3) (b) 1. a., 48.27 (3) (b) 1. b., 48.27 (5), 48.299 (6) (intro.), 48.299 (6)
7 (e) 1., 48.299 (6) (e) 2., 48.299 (6) (e) 3., 48.299 (6) (e) 4., 48.299 (7), 48.355 (4g)
8 (a) 1., 48.396 (2) (dm), 48.42 (1g) (a) 4., 48.42 (1g) (b), 48.42 (1g) (c), 48.42 (2) (b)
9 1., 48.42 (2) (b) 2., 48.42 (2) (bm) 1., 48.422 (6) (a), 48.422 (7) (bm), 48.422 (7) (br),
10 48.423 (2) (d), 48.432 (1) (am) 2. b., 48.63 (3) (b) 4., 48.63 (3) (b) 5., 48.82 (1) (a),
11 48.837 (1r) (d), 48.837 (1r) (e), 48.837 (6) (b), 48.837 (6) (br), 48.913 (1) (a),
12 48.913 (1) (b), 48.913 (1) (h), 48.913 (2) (intro.), 48.913 (2) (b), 48.913 (2) (c)
13 (intro.), 48.913 (3), 48.913 (4), 48.913 (7), 49.141 (1) (j) 1., 49.155 (1m) (c) 1g.,
14 49.155 (1m) (c) 1h., 49.163 (2) (am) 2., 49.19 (1) (a) 2. a., 49.19 (4) (d) (intro.),
15 49.19 (4) (d) 1., 49.19 (4) (d) 2., 49.19 (4) (d) 3., 49.19 (4) (d) 4., 49.19 (4) (d) 5.,

1 49.345 (2), 49.43 (12), 49.471 (1) (b) 2., 49.90 (4), 54.01 (36) (a), 54.960 (1), 69.03
2 (15), 69.11 (4) (b), 69.12 (5), 69.13 (2) (b) 4., 69.14 (1) (c) 4., 69.14 (1) (e) (title)
3 and 1., 69.14 (1) (f) 1., 69.14 (1) (g), 69.14 (2) (b) 2. d., 69.15 (1), 69.15 (3) (title),
4 (a) (intro.), 1., 2. and 3. and (b) 1., 2., 3. and 4. (intro), a. and b., 69.15 (3) (d),
5 69.15 (3m) (title), (a) (intro.) and 3. and (b), 71.03 (2) (d) (title), 71.03 (2) (d) 1.,
6 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
7 (22) (a) (title), 71.07 (5m) (a) 3., 71.07 (9e) (b), 71.09 (13) (a) 2., 71.52 (4), 71.83
8 (1) (a) 8., 71.83 (1) (b) 5., 77.25 (8m), 77.54 (7) (b) 1., 101.91 (5m), 102.07 (5) (b),
9 102.07 (5) (c), 102.51 (1) (a) 1., 103.10 (1) (h), 103.165 (3) (a) 3., 111.32 (12),
10 115.76 (12) (a) 1., 115.76 (13), 146.34 (1) (f), 157.05, 182.004 (6), 250.04 (3) (a),
11 301.12 (2), 301.50 (1), 700.19 (2), 705.01 (4), 705.01 (4m), 706.09 (1) (e), 765.001
12 (2), 765.01, 765.03 (1), 765.16 (1m) (intro.), 765.16 (1m) (c), 765.23, 765.24,
13 765.30 (3) (a), 766.587 (7) (form) 9., 766.588 (9) (form) 13., 766.589 (10) (form)
14 14., 767.215 (2) (b), 767.215 (5) (a) 2., 767.323, 767.80 (1) (intro.), 767.80 (1) (c),
15 767.80 (2), 767.803, 767.805 (1), (1m), (2), (3) (title) and (a), (4) (intro.) and (d),
16 (5) and (6) (a) (intro.), 767.855, 767.863 (1m), 767.87 (1m) (intro.), 767.87 (8),
17 767.87 (9), 767.883 (1), 769.316 (9), 769.401 (2) (a), 815.20 (1), 822.40 (4), 851.30
18 (2) (a), 852.01 (1) (f) 1., 852.01 (1) (f) 2., 852.01 (1) (f) 3., 854.03 (3), 891.39 (title),
19 891.39 (1) (a), 891.39 (1) (b), 891.39 (3), 891.40 (2), 891.405, 891.41 (title), 891.41
20 (1) (intro.), 891.41 (1) (a), 891.41 (2), 905.05 (title), 938.02 (13), 938.396 (2g) (g),
21 943.20 (2) (c), 943.201 (1) (b) 8. and 943.205 (2) (b); and **to create** 69.15 (3) (b)
22 3m., 765.02 (3), 891.40 (1) (b), 891.40 (3), 891.41 (3), 990.01 (22m), 990.01 (39)

- 1 and 990.01 (40m) of the statutes; **relating to:** marriage between persons of the
2 same sex and extending parentage rights to married couples of the same sex.

Analysis by the Legislative Reference Bureau

Summary

This bill recognizes same-sex marriage by making references in the statutes to spouses gender neutral, with the intent of harmonizing the Wisconsin statutes with the holding of the U.S. Supreme Court in *Obergefell v. Hodges*, 135 S. Ct. 2584, 192 L.Ed.2d 609 (2015), which recognizes that same-sex couples have a fundamental constitutional right to marriage. The bill also recognizes legal parentage for same-sex couples under certain circumstances and adopts ^{gender neutral} parentage terminology that incorporates 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.

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, one spouse may also consent to the artificial insemination of his or her spouse 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 established natural parent when the child was conceived or born or 2) married the child's established natural parent after the child was born but had a relationship with the established natural parent when the child was conceived and no person 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. Expanding on current law, 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.

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.

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 the person who has given birth on the birth certificate at times when a husband would currently be entered on a birth certificate. The name of the person who has given birth is entered on a birth certificate when the person gives birth to a child and current law specifies when another 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 person who gives birth is married at any time from the conception to the birth of the child, then that person’s 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 person 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 spouse of the person who gave birth as a parent on the birth certificate.

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

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

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

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

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

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

7 29.228 (5) ANNUAL FAMILY FISHING LICENSE. The department shall issue a
8 nonresident annual family fishing license, subject to s. 29.024, to any nonresident

1 who applies for this license. This license entitles the ~~husband, wife~~ spouses and any
2 minor children to fish under this license.

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

4 29.228 (6) FIFTEEN-DAY FAMILY FISHING LICENSE. The department shall issue a
5 nonresident 15-day family fishing license, subject to s. 29.024, to any nonresident
6 who applies for this license. This license entitles the ~~husband, wife~~ spouses and any
7 minor children to fish under this license.

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

9 29.229 (2) (i) ~~Husband and wife~~ Spouses fishing licenses.

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

11 29.2295 (2) (i) ~~Husband and wife~~ Spouses fishing licenses.

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

13 29.563 (3) (a) 3. ~~Husband and wife~~ Spouses: \$30.25.

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

15 29.607 (3) LICENSE REQUIRED; EXCEPTIONS; WILD RICE IDENTIFICATION CARD. Every
16 person over the age of 16 and under the age of 65 shall obtain the appropriate wild
17 rice license to harvest or deal in wild rice but no license to harvest is required of the
18 members of the immediate family of a licensee or of a recipient of old-age assistance
19 or members of their immediate families. The department, subject to s. 29.024 (2g)
20 and (2r), shall issue a wild rice identification card to each member of a licensee's
21 immediate family, to a recipient of old-age assistance and to each member of the
22 recipient's family. The term "immediate family" includes ~~husband and wife~~ spouses
23 and minor children having their abode and domicile with the parent or legal
24 guardian.

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

1 45.01 (6) (c) The biological natural or adoptive parent or a person who acts in
2 the place of a parent and who has so acted for not less than 12 months prior to the
3 veteran's entrance into active service.

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

5 45.51 (3) (c) 2. The department may deviate from this sequence upon order of
6 the board to prevent the separation of ~~a husband and wife~~ spouses.

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

8 45.51 (5) (a) 1. b. Was married to the person under sub. (2) (a) 1. or 2. at the time
9 the person entered the service and who became a ~~widow or widower~~ surviving spouse
10 by the death of the person while in the service or as a result of physical disability of
11 the person incurred during the service.

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

13 45.51 (5) (a) 1. c. The period during which the surviving spouse was married
14 to and lived with the deceased person under sub. (2) (a) 1. or 2. plus the period of
15 ~~widowhood or widowerhood~~ after the death of the deceased person is 6 months or
16 more.

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

18 **45.55 Notes and mortgages of minor veterans.** Notwithstanding any
19 provision of this chapter or any other law to the contrary, any minor who served in
20 the active armed forces of the United States at any time after August 27, 1940, and
21 the ~~husband or wife~~ spouse of such a minor may execute, in his or her own right, notes
22 or mortgages, as defined in s. 851.15, the payment of which is guaranteed or insured
23 by the U.S. department of veterans affairs or the federal housing administrator
24 under the servicemen's readjustment act of 1944, the national housing act, or any
25 acts supplementing or amending these acts. In connection with these transactions,

1 the minors may sell, release, or convey the mortgaged property and litigate or settle
2 controversies arising therefrom, including the execution of releases, deeds, and other
3 necessary papers or instruments. The notes, mortgages, releases, deeds, and other
4 necessary papers or instruments when so executed are not subject to avoidance by
5 the minor or the ~~husband or wife~~ spouse of the minor upon either or both of them
6 attaining the age of 18 because of the minority of either or both of them at the time
7 of the execution thereof.

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

9 46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,
10 including but not limited to a person admitted, committed, protected, or placed under
11 s. 975.01, 1977 stats., s. 975.02, 1977 stats., s. 975.17, 1977 stats., s. 55.05 (5), 2003
12 stats., and s. 55.06, 2003 stats., and ss. 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5),
13 51.45 (10), (11), (12) and (13), 55.05, 55.055, 55.12, 55.13, 55.135, 971.14 (2) and (5),
14 971.17 (1), 975.06 and 980.06, receiving care, maintenance, services, and supplies
15 provided by any institution in this state including University of Wisconsin Hospitals
16 and Clinics, in which the state is chargeable with all or part of the person's care,
17 maintenance, services, and supplies, any person receiving care and services from a
18 county department established under s. 51.42 or 51.437 or from a facility established
19 under s. 49.73, and any person receiving treatment and services from a public or
20 private agency under s. 980.06 (2) (c), 1997 stats., s. 980.08 (5), 2003 stats., or s.
21 971.17 (3) (d) or (4) (e) or 980.08 (4) (g) and the person's property and estate, including
22 the homestead, and the spouse of the person, and the spouse's property and estate,
23 including the homestead, and, in the case of a minor child, the parents of the person,
24 and their property and estates, including their homestead, and, in the case of a
25 foreign child described in s. 48.839 (1) who became dependent on public funds for his

1 or her primary support before an order granting his or her adoption, the resident of
2 this state appointed guardian of the child by a foreign court who brought the child
3 into this state for the purpose of adoption, and his or her property and estate,
4 including his or her homestead, shall be liable for the cost of the care, maintenance,
5 services, and supplies in accordance with the fee schedule established by the
6 department under s. 46.03 (18). If a spouse, ~~widow~~ surviving spouse, or minor, or an
7 incapacitated person may be lawfully dependent upon the property for their support,
8 the court shall release all or such part of the property and estate from the charges
9 that may be necessary to provide for those persons. The department shall make
10 every reasonable effort to notify the liable persons as soon as possible after the
11 beginning of the maintenance, but the notice or the receipt thereof is not a condition
12 of liability.

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

14 48.02 (13) "Parent" means a biological natural parent, ~~a husband who has~~
15 ~~consented to the artificial insemination of his wife under s. 891.40~~, or a parent by
16 adoption. If the child is a nonmarital child who is not adopted or whose parents do
17 not subsequently intermarry under s. 767.803, "parent" includes a person
18 acknowledged under s. 767.805 or a substantially similar law of another state or
19 adjudicated to be the biological father. "Parent" does not include any person whose
20 parental rights have been terminated. For purposes of the application of s. 48.028
21 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "parent" means a
22 biological natural parent of an Indian child, an Indian ~~husband~~ spouse who has
23 consented to the artificial insemination of his ~~wife~~ or her spouse under s. 891.40, or
24 an Indian person who has lawfully adopted an Indian child, including an adoption
25 under tribal law or custom, and includes, in the case of a nonmarital Indian child who

1 is not adopted or whose parents do not subsequently intermarry under s. 767.803,
2 a person acknowledged under s. 767.805, a substantially similar law of another state,
3 or tribal law or custom to be the ~~biological father~~ natural parent or a person
4 adjudicated to be the ~~biological father~~ natural parent, but does not include any
5 person whose parental rights have been terminated.

6 **SECTION 15.** 48.025 (title) of the statutes is amended to read:

7 **48.025 (title) Declaration of ~~paternal~~ parental interest in matters**
8 **affecting children.**

9 **SECTION 16.** 48.025 (2) (b) of the statutes is amended to read:

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

15 **SECTION 17.** 48.025 (3) (c) of the statutes is amended to read:

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

1 could be located. The department may require a person who requests a search under
2 this paragraph to pay a reasonable fee that is sufficient to defray the costs to the
3 department of maintaining its file of declarations and publicizing information
4 relating to declarations of ~~paternal~~ parental interest under this section.

5 **SECTION 18.** 48.27 (3) (b) 1. a. of the statutes is amended to read:

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

8 **SECTION 19.** 48.27 (3) (b) 1. b. of the statutes is amended to read:

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

12 **SECTION 20.** 48.27 (5) of the statutes is amended to read:

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

19 **SECTION 21.** 48.299 (6) (intro.) of the statutes is amended to read:

20 48.299 (6) (intro.) If a ~~man~~ person who has been given notice under s. 48.27 (3)
21 (b) 1. appears at any hearing for which he or she received the notice, alleges that he
22 or she is the ~~father~~ a parent of the child and states that he or she wishes to establish
23 the ~~paternity~~ parentage of the child, all of the following apply:

24 **SECTION 22.** 48.299 (6) (e) 1. of the statutes is amended to read:

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

6 **SECTION 23.** 48.299 (6) (e) 2. of the statutes is amended to read:

7 48.299 (6) (e) 2. The court shall, at the hearing, orally inform any ~~man person~~
8 specified in sub. (6) (intro.) that he or she may be required to pay for any testing
9 ordered by the court under this paragraph or under s. 885.23.

10 **SECTION 24.** 48.299 (6) (e) 3. of the statutes is amended to read:

11 48.299 (6) (e) 3. In addition to ordering testing as provided under s. 885.23, if
12 the court determines that it would be in the best interests of the child, the court may
13 order any ~~man person~~ specified in sub. (6) (intro.) to submit to one or more genetic
14 tests which shall be performed by an expert qualified as an examiner of genetic
15 markers present on the cells and of the specific body material to be used for the tests,
16 as appointed by the court. A report completed and certified by the court-appointed
17 expert stating genetic test results and the statistical probability that the ~~man person~~
18 alleged to be the child’s father parent is the child’s biological father parent based
19 upon the genetic tests is admissible as evidence without expert testimony and may
20 be entered into the record at any hearing. The court, upon request by a party, may
21 order that independent tests be performed by other experts qualified as examiners
22 of genetic markers present on the cells of the specific body materials to be used for
23 the tests.

24 **SECTION 25.** 48.299 (6) (e) 4. of the statutes is amended to read:

1 48.299 (6) (e) 4. If the genetic tests show that an alleged ~~father~~ parent is not
2 excluded and that the statistical probability that the alleged ~~father~~ parent is the
3 child's biological ~~father~~ parent is 99.0 percent or higher, the court may determine
4 that for purposes of a proceeding under this chapter, other than a proceeding under
5 subch. VIII, the ~~man~~ person is the child's biological parent.

6 **SECTION 26.** 48.299 (7) of the statutes is amended to read:

7 48.299 (7) If a ~~man~~ person who has been given notice under s. 48.27 (3) (b) 1.
8 appears at any hearing for which he or she received the notice but does not allege that
9 he or she is the ~~father~~ parent of the child and state that he or she wishes to establish
10 the ~~paternity~~ parentage of the child or if no ~~man~~ person to whom such notice was
11 given appears at a hearing, the court may refer the matter to the state or to the
12 attorney responsible for support enforcement under s. 59.53 (6) (a) for a
13 determination, under s. 767.80, of whether an action should be brought for the
14 purpose of determining the ~~paternity~~ parentage of the child.

15 **SECTION 27.** 48.355 (4g) (a) 1. of the statutes is amended to read:

16 48.355 (4g) (a) 1. The child's parents are parties to a pending action for divorce,
17 annulment, or legal separation, a ~~man~~ person determined under s. 48.299 (6) (e) 4.
18 to be the biological ~~father~~ parent of the child for purposes of a proceeding under this
19 chapter is a party to a pending action to determine paternity of the child under ch.
20 767, or the child is the subject of a pending independent action under s. 767.41 or
21 767.43 to determine legal custody of the child or visitation rights with respect to the
22 child.

23 **SECTION 28.** 48.396 (2) (dm) of the statutes is amended to read:

24 48.396 (2) (dm) Upon request of a court having jurisdiction over actions
25 affecting the family, an attorney responsible for support enforcement under s. 59.53

1 (6) (a) or a party to a paternity proceeding under subch. IX of ch. 767, the party's
2 attorney or the guardian ad litem for the child who is the subject of that proceeding
3 to review or be provided with information from the records of the court assigned to
4 exercise jurisdiction under this chapter and ch. 938 relating to the paternity of a child
5 for the purpose of determining the paternity of the child or for the purpose of
6 rebutting the presumption of ~~paternity parentage~~ under s. 891.405 or 891.41 (1), the
7 court assigned to exercise jurisdiction under this chapter and ch. 938 shall open for
8 inspection by the requester its records relating to the paternity of the child or disclose
9 to the requester those records.

10 **SECTION 29.** 48.42 (1g) (a) 4. of the statutes is amended to read:

11 48.42 (1g) (a) 4. A statement identifying any ~~man~~ person who has lived in a
12 familial relationship with the child and who may be ~~the father~~ a parent of the child.

13 **SECTION 30.** 48.42 (1g) (b) of the statutes is amended to read:

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

23 **SECTION 31.** 48.42 (1g) (c) of the statutes is amended to read:

24 48.42 (1g) (c) If an affidavit under par. (a) is not filed with the petition, notice
25 shall be given to an alleged ~~father~~ parent under sub. (2).

1 **SECTION 32.** 48.42 (2) (b) 1. of the statutes is amended to read:

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

5 **SECTION 33.** 48.42 (2) (b) 2. of the statutes is amended to read:

6 48.42 (2) (b) 2. A person or persons alleged to the court to be ~~the father~~ a parent
7 of the child or who may, based upon the statements of the ~~mother~~ parent who gave
8 birth to the child or other information presented to the court, be the ~~father~~ parent
9 of the child unless that person has waived the right to notice under s. 48.41 (2) (c).

10 **SECTION 34.** 48.42 (2) (bm) 1. of the statutes is amended to read:

11 48.42 (2) (bm) 1. A person who has filed an unrevoked declaration of paternal
12 parental interest under s. 48.025 before the birth of the child, within 14 days after
13 the birth of the child, or within 21 days after a notice under sub. (1g) (b) is mailed,
14 whichever is later.

15 **SECTION 35.** 48.422 (6) (a) of the statutes is amended to read:

16 48.422 (6) (a) In the case of a nonmarital child who is not adopted or whose
17 parents do not subsequently intermarry under s. 767.803 and for whom paternity
18 has not been established, or for whom a declaration of ~~paternal~~ parental interest has
19 not been filed under s. 48.025 within 14 days after the date of birth of the child or,
20 if s. 48.42 (1g) (b) applies, within 21 days after the date on which the notice under
21 s. 48.42 (1g) (b) is mailed, the court shall hear testimony concerning the paternity
22 parentage of the child. Based on the testimony, the court shall determine whether
23 all interested parties who are known have been notified under s. 48.42 (2) and (2g)
24 (ag). If not, the court shall adjourn the hearing and order appropriate notice to be
25 given.

1 **SECTION 36.** 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 parent of the child or are
9 impermissible under s. 48.913 (4). Making any payment to or on behalf of the any
10 birth parent of the child, ~~an~~, alleged or presumed father parent of the child or the
11 child conditional in any part upon transfer or surrender of the child or the
12 termination of parental rights or the finalization of the adoption creates a rebuttable
13 presumption of coercion. Upon a finding of coercion, the court shall dismiss the
14 petition or amend the agreement to delete any coercive conditions, if the parties
15 agree to the amendment. Upon a finding that payments which that are
16 impermissible under s. 48.913 (4) have been made, the court may dismiss the petition
17 and may refer the matter to the district attorney for prosecution under s. 948.24 (1).
18 This paragraph does not apply if the petition was filed with a petition for adoptive
19 placement under s. 48.837 (2).

20 **SECTION 37.** 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 or presumed father parent of the child in violation of s. 48.63 (3) (b) 5. Upon
23 a finding of coercion, the court shall dismiss the petition.

24 **SECTION 38.** 48.423 (2) (d) of the statutes is amended to read:

1 48.423 (2) (d) That the person has complied with the requirements of the state
2 where the ~~mother~~ birth parent previously resided or was located to protect and
3 preserve his ~~paternal~~ or her parental interests in matters affecting the child.

4 **SECTION 39.** 48.432 (1) (am) 2. b. of the statutes is amended to read:

5 48.432 (1) (am) 2. b. If there is no adjudicated father, the ~~husband~~ spouse of the
6 mother at the time the individual or adoptee is conceived or born, or when the parents
7 intermarry under s. 767.803.

8 **SECTION 40.** 48.63 (3) (b) 4. of the statutes is amended to read:

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

18 **SECTION 41.** 48.63 (3) (b) 5. of the statutes is amended to read:

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

25 **SECTION 42.** 48.82 (1) (a) of the statutes is amended to read:

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

3 **SECTION 43.** 48.837 (1r) (d) of the statutes is amended to read:

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

13 **SECTION 44.** 48.837 (1r) (e) of the statutes is amended to read:

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

20 **SECTION 45.** 48.837 (6) (b) of the statutes is amended to read:

21 48.837 (6) (b) At the beginning of the hearing held under sub. (2), the court shall
22 review the report that is submitted under s. 48.913 (6). The court shall determine
23 whether any payments or the conditions specified in any agreement to make
24 payments are coercive to the any birth parent of the child or ~~to an~~, alleged or
25 presumed ~~father~~ parent of the child or are impermissible under s. 48.913 (4). Making

1 any payment to or on behalf of ~~the a~~ birth parent of ~~the child, an,~~ alleged or presumed
2 ~~father~~ parent of the child or the child conditional in any part upon transfer or
3 surrender of the child or the termination of parental rights or the finalization of the
4 adoption creates a rebuttable presumption of coercion. Upon a finding of coercion,
5 the court shall dismiss the petitions under subs. (2) and (3) or amend the agreement
6 to delete any coercive conditions, if the parties agree to the amendment. Upon a
7 finding that payments ~~which~~ that are impermissible under s. 48.913 (4) have been
8 made, the court may dismiss the petition and may refer the matter to the district
9 attorney for prosecution under s. 948.24 (1).

10 **SECTION 46.** 48.837 (6) (br) of the statutes is amended to read:

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

15 **SECTION 47.** 48.913 (1) (a) of the statutes is amended to read:

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

18 **SECTION 48.** 48.913 (1) (b) of the statutes is amended to read:

19 48.913 (1) (b) Post-adoptive counseling for a birth parent ~~of the child or an,~~
20 alleged or presumed ~~father~~ parent of the child.

21 **SECTION 49.** 48.913 (1) (h) of the statutes is amended to read:

22 48.913 (1) (h) Legal and other services received by a birth parent ~~of the child,~~
23 ~~an,~~ alleged or presumed ~~father~~ parent of the child or the child in connection with the
24 adoption.

25 **SECTION 50.** 48.913 (2) (intro.) of the statutes is amended to read:

1 **48.913 (2)** PAYMENT OF EXPENSES WHEN BIRTH PARENT IS RESIDING IN ANOTHER
2 STATE. (intro.) Notwithstanding sub. (1), the proposed adoptive parents of a child or
3 a person acting on behalf of the proposed adoptive parents of a child may pay for an
4 expense of a birth parent ~~of the child or an~~, alleged or presumed father parent of the
5 child if the birth parent ~~or the~~, alleged or presumed father parent was residing in
6 another state when the payment was made and when the expense was incurred and
7 if all of the following apply:

8 **SECTION 51.** 48.913 (2) (b) of the statutes is amended to read:

9 **48.913 (2)** (b) The state in which the birth parent ~~or the~~, alleged or presumed
10 father parent was residing when the payment was made permits the payment of that
11 expense by the proposed adoptive parents of the child.

12 **SECTION 52.** 48.913 (2) (c) (intro.) of the statutes is amended to read:

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

21 **SECTION 53.** 48.913 (3) of the statutes is amended to read:

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

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

4 **SECTION 54.** 48.913 (4) of the statutes is amended to read:

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

9 **SECTION 55.** 48.913 (7) of the statutes is amended to read:

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

25 **SECTION 56.** 49.141 (1) (j) 1. of the statutes is amended to read:

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

2 **SECTION 57.** 49.141 (1) (j) 2. of the statutes is repealed.

3 **SECTION 58.** 49.155 (1m) (c) 1g. of the statutes is amended to read:

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

12 **SECTION 59.** 49.155 (1m) (c) 1h. of the statutes is amended to read:

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

21 **SECTION 60.** 49.163 (2) (am) 2. of the statutes is amended to read:

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

1 **SECTION 61.** 49.19 (1) (a) 2. a. of the statutes is amended to read:

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

13 **SECTION 62.** 49.19 (4) (d) (intro.) of the statutes is amended to read:

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

17 **SECTION 63.** 49.19 (4) (d) 1. of the statutes is amended to read:

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

20 **SECTION 64.** 49.19 (4) (d) 2. of the statutes is amended to read:

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

25 **SECTION 65.** 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 66.** 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 67.** 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 68.** 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 69.** 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 70.** 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 71.** 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 72.** 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 73.** 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 74.** 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 75.** 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 or parent's marital status ~~of the mother~~ if 365 days have elapsed since the occurrence
17 of the event that is the subject of the birth record, if the amendment is at the request
18 of a 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~~ that appears on the birth record. This paragraph may not be
25 used to add to or delete from a birth record the name of a parent, to change the

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

3 **SECTION 76.** 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~~
6 information appearing on the birth record. This section may not be used to add or
7 delete the name of a parent on the record of birth or change the identity of either
8 parent named on the birth record.

9 **SECTION 77.** 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 78.** 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 79.** 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 80.** 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 81.** 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 of the ~~woman~~ person inseminated
7 shall be considered ~~the father~~ a parent of the registrant on the birth record. ~~If the~~
8 ~~registrant is born as a result of artificial insemination which does not satisfy the~~
9 ~~requirements of s. 891.40, the information about the father of the registrant shall be~~
10 ~~omitted from the registrant's birth record.~~

11 **SECTION 82.** 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 83.** 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 84.** 69.15 (3) (title), (a) (intro.), 1., 2. and 3. and (b) 1., 2., 3. and 4.
5 (intro), a. and b. of the statutes are amended to read:

6 69.15 (3) (title) ~~PATERNITY~~ PARENTAGE. (a) (intro.) If the state registrar receives
7 an order under sub. (1) which establishes paternity or determines that the ~~man~~
8 person whose name appears on a registrant's birth record is not the ~~father~~ parent of
9 the registrant, the state registrar shall do the following, as appropriate:

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

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

17 3. Except as provided under subd. 4., insert the name of the adjudicated father
18 on the original birth record if the name of the ~~father~~ that parent was omitted on the
19 original record.

20 (b) 1. Except as provided under par. (c), if the state registrar receives a
21 statement acknowledging ~~paternity~~ parentage in the manner prescribed by the state
22 registrar and signed by both of the ~~birth~~ natural parents of a child determined to be
23 a marital child under s. 767.803, a certified copy of the parents' marriage record, and
24 the fee required under s. 69.22 (5) (b) 1., the state registrar shall insert the name of
25 the ~~husband~~ spouse of the person who gave birth from the marriage record as the

1 ~~father parent~~ if the name of the ~~father~~ ~~that parent~~ was omitted on the original birth
2 record. The state registrar shall include for the acknowledgment the items in s.
3 767.813 (5g).

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

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

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

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

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

5 **SECTION 85.** 69.15 (3) (b) 3m. of the statutes is created to read:

6 69.15 (3) (b) 3m. Except as provided in par. (c), if the state registrar receives
7 an acknowledgement of parentage on a form prescribed by the state registrar and
8 signed by both of the people presumed to be natural parents under s. 891.41 (1) (b),
9 a certified copy of the parents' marriage certificate, and the fee required under s.
10 69.22 (5) (b) 1., the state registrar shall insert the name of the spouse from the
11 marriage certificate as a parent if the name of that parent was omitted on the original
12 birth certificate.

13 **SECTION 86.** 69.15 (3) (d) of the statutes is amended to read:

14 69.15 (3) (d) The method prescribed by the state registrar for acknowledging
15 ~~paternity parentage~~ shall require that the social security number of each of the
16 registrant's parents be provided.

17 **SECTION 87.** 69.15 (3m) (title), (a) (intro.) and 3. and (b) of the statutes are
18 amended to read:

19 69.15 (3m) (title) RESCISSION OF STATEMENT ACKNOWLEDGING PATERNITY
20 PARENTAGE. (a) (intro.) A statement acknowledging ~~paternity parentage~~ that is filed
21 with the state registrar under sub. (3) (b) 3. may be rescinded by either person who
22 signed the statement as a parent of the registrant if all of the following apply:

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

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

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

7 **SECTION 88.** 71.03 (2) (d) (title) of the statutes is amended to read:

8 71.03 (2) (d) (title) ~~*Husband and wife*~~ *Spouses joint filing.*

9 **SECTION 89.** 71.03 (2) (d) 1. of the statutes is amended to read:

10 71.03 (2) (d) 1. Except as provided in subds. 2. and 3. and par. (e), ~~a husband~~
11 ~~and a wife~~ spouses may file a joint return for income tax purposes even though one
12 of the spouses has no gross income or no deductions.

13 **SECTION 90.** 71.03 (2) (d) 2. of the statutes is amended to read:

14 71.03 (2) (d) 2. No joint return may be filed if either ~~the husband or wife~~ spouse
15 at any time during the taxable year is a nonresident alien, unless an election is in
16 effect for the taxable year under section 6013 (g) or (h) of the ~~internal revenue code~~
17 Internal Revenue Code.

18 **SECTION 91.** 71.03 (2) (d) 3. of the statutes is amended to read:

19 71.03 (2) (d) 3. No joint return may be filed if the ~~husband and wife~~ spouses
20 have different taxable years, except that if their taxable years begin on the same day
21 and end on different days because of the death of either or both the joint return may
22 be filed with respect to the taxable year of each unless the surviving spouse remarries
23 before the close of his or her taxable year or unless the taxable year of either spouse
24 is a fractional part of a year under section 443 (a) (1) of the ~~internal revenue code~~
25 Internal Revenue Code.

1 **SECTION 92.** 71.03 (2) (g) of the statutes is amended to read:

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

17 **SECTION 93.** 71.03 (2) (m) 2. of the statutes is amended to read:

18 71.03 (2) (m) 2. If ~~a husband and wife~~ spouses change from a joint return to
19 separate returns within the time prescribed in subd. 1., the tax paid on the joint
20 return shall be allocated between them in proportion to the tax liability shown on
21 each separate return.

22 **SECTION 94.** 71.03 (4) (a) of the statutes is amended to read:

23 71.03 (4) (a) Natural persons whose total income is not in excess of \$10,000 and
24 consists entirely of wages subject to withholding for Wisconsin tax purposes and not
25 more than \$200 total of dividends, interest and other wages not subject to Wisconsin

1 withholding, and who have elected the Wisconsin standard deduction and have not
2 claimed either the credit for homestead property tax relief or deductions for expenses
3 incurred in earning such income, shall, at their election, not be required to record on
4 their income tax returns the amount of the tax imposed on their Wisconsin taxable
5 income. Married persons shall be permitted this election only if the joint income of
6 the ~~husband and wife~~ spouses does not exceed \$10,000, if both report their incomes
7 on the same joint income tax return form, and if both make this election.

8 **SECTION 95.** 71.05 (22) (a) (title) of the statutes is amended to read:

9 71.05 (22) (a) (title) *Election of deductions; ~~husband and wife~~ spousal*
10 *deductions.*

11 **SECTION 96.** 71.07 (5m) (a) 3. of the statutes is amended to read:

12 71.07 (5m) (a) 3. "Household" means a claimant and an individual related to
13 the claimant as ~~husband or wife~~ his or her spouse.

14 **SECTION 97.** 71.07 (9e) (b) of the statutes is amended to read:

15 71.07 (9e) (b) No credit may be allowed under this subsection to married
16 persons, except married persons living apart who are treated as single under section
17 7703 (b) of the ~~internal revenue code~~ Internal Revenue Code, if the ~~husband and wife~~
18 spouses report their income on separate income tax returns for the taxable year.

19 **SECTION 98.** 71.09 (13) (a) 2. of the statutes is amended to read:

20 71.09 (13) (a) 2. The tax shown on the return for the preceding year. If ~~a~~
21 ~~husband and wife~~ spouses who filed separate returns for the preceding taxable year
22 file a joint return, the tax shown on the return for the preceding year is the sum of
23 the taxes shown on the separate returns of the ~~husband and wife~~ spouses. If ~~a~~
24 ~~husband and wife~~ spouses who filed a joint return for the preceding taxable year file
25 separate returns, the tax shown on the return for the preceding year is the husband's

1 ~~or wife's~~ each spouse's proportion of that tax based on what their respective tax
2 liabilities for that year would have been had they filed separately.

3 **SECTION 99.** 71.52 (4) of the statutes is amended to read:

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

6 **SECTION 100.** 71.83 (1) (a) 8. of the statutes is amended to read:

7 71.83 (1) (a) 8. 'Joint return replacing separate returns.' If the amount shown
8 as the tax by ~~the husband and wife~~ spouses on a joint return filed under s. 71.03 (2)
9 (g) to (L) exceeds the sum of the amounts shown as the tax upon the separate return
10 of each spouse and if any part of that excess is attributable to negligence or
11 intentional disregard of this chapter, but without intent to defraud, at the time of the
12 filing of that separate return, then 25 percent of the total amount of that excess shall
13 be added to the tax.

14 **SECTION 101.** 71.83 (1) (b) 5. of the statutes is amended to read:

15 71.83 (1) (b) 5. 'Joint return after separate returns.' If the amount shown as
16 the tax by ~~the husband and wife~~ spouses on a joint return filed under s. 71.03 (2) (g)
17 to (L) exceeds the sum of the amounts shown as the tax on the separate return of each
18 spouse and if any part of that excess is attributable to fraud with intent to evade tax
19 at the time of the filing of that separate return, then 50 percent of the total amount
20 of that excess shall be added to the tax.

21 **SECTION 102.** 77.25 (8m) of the statutes is amended to read:

22 77.25 (8m) Between ~~husband and wife~~ spouses.

23 **SECTION 103.** 77.54 (7) (b) 1. of the statutes is amended to read:

24 77.54 (7) (b) 1. The item is transferred to a child, spouse, parent, ~~father-in-law,~~
25 ~~mother-in-law~~ parent-in-law, daughter-in-law, or son-in-law of the transferor or,

1 if the item is a motor vehicle, from the transferor to a corporation owned solely by the
2 transferor or by the transferor's spouse.

3 **SECTION 104.** 101.91 (5m) of the statutes is amended to read:

4 101.91 (5m) "Manufactured home community" means any plot or plots of
5 ground upon which 3 or more manufactured homes that are occupied for dwelling or
6 sleeping purposes are located. "Manufactured home community" does not include a
7 farm where the occupants of the manufactured homes are the ~~father, mother, son,~~
8 ~~daughter, brother or sister~~ parents, children, or siblings of the farm owner or
9 operator or where the occupants of the manufactured homes work on the farm.

10 **SECTION 105.** 102.07 (5) (b) of the statutes is amended to read:

11 102.07 (5) (b) The parents, spouse, child, brother, sister, son-in-law,
12 daughter-in-law, ~~father-in-law, mother-in-law~~ parent-in-law, brother-in-law, or
13 sister-in-law of a farmer shall not be deemed the farmer's employees.

14 **SECTION 106.** 102.07 (5) (c) of the statutes is amended to read:

15 102.07 (5) (c) A shareholder-employee of a family farm corporation shall be
16 deemed a "farmer" for purposes of this chapter and shall not be deemed an employee
17 of a farmer. A "family farm corporation" means a corporation engaged in farming all
18 of whose shareholders are related as lineal ancestors or lineal descendants, whether
19 by blood or by adoption, or as spouses, brothers, sisters, uncles, aunts, cousins,
20 sons-in-law, daughters-in-law, ~~fathers-in-law, mothers-in-law~~ parents-in-law,
21 brothers-in-law, or sisters-in-law of such lineal ancestors or lineal descendants.

22 **SECTION 107.** 102.51 (1) (a) 1. of the statutes is amended to read:

23 102.51 (1) (a) 1. A wife married person upon ~~a husband~~ his or her spouse with
24 whom he or she is living at the time of ~~his~~ the spouse's death.

25 **SECTION 108.** 102.51 (1) (a) 2. of the statutes is repealed.

1 **SECTION 109.** 103.10 (1) (h) of the statutes is amended to read:

2 103.10 (1) (h) “Spouse” means ~~an employee’s legal husband or wife~~ the person
3 to whom an employee is legally married.

4 **SECTION 110.** 103.165 (3) (a) 3. of the statutes is amended to read:

5 103.165 (3) (a) 3. The decedent’s ~~father or mother~~ parent or parents if the
6 decedent leaves no surviving spouse, domestic partner under ch. 770, or children.

7 **SECTION 111.** 111.32 (12) of the statutes is amended to read:

8 111.32 (12) “Marital status” means the status of being married, single,
9 divorced, separated, or widowed a surviving spouse.

10 **SECTION 112.** 115.76 (12) (a) 1. of the statutes is amended to read:

11 115.76 (12) (a) 1. A biological natural parent.

12 **SECTION 113.** 115.76 (12) (a) 2. of the statutes is repealed.

13 **SECTION 114.** 115.76 (12) (a) 3. of the statutes is repealed.

14 **SECTION 115.** 115.76 (13) of the statutes is amended to read:

15 115.76 (13) “Person acting as a parent of a child” means a relative of the child
16 or a private individual allowed to act as a parent of a child by the child’s biological
17 natural or adoptive parents or guardian, and includes the child’s grandparent,
18 neighbor, friend or private individual caring for the child with the explicit or tacit
19 approval of the child’s biological natural or adoptive parents or guardian. “Person
20 acting as a parent of a child” does not include any person that receives public funds
21 to care for the child if such funds exceed the cost of such care.

22 **SECTION 116.** 146.34 (1) (f) of the statutes is amended to read:

23 146.34 (1) (f) “Parent” means a biological natural parent, ~~a husband who has~~
24 ~~consented to the artificial insemination of his wife under s. 891.40~~ or a parent by
25 adoption. If the minor is a nonmarital child who is not adopted or whose parents do

1 not subsequently intermarry under s. 767.803, "parent" includes a person adjudged
2 in a judicial proceeding under ch. 48 to be the biological father of the minor. "Parent"
3 does not include any person whose parental rights have been terminated.

4 **SECTION 117.** 157.05 of the statutes is amended to read:

5 **157.05 Autopsy.** Consent for a licensed physician to conduct an autopsy on
6 the body of a deceased person shall be deemed sufficient when given by whichever
7 one of the following assumes custody of the body for purposes of burial: ~~Father,~~
8 ~~mother, husband, wife~~ parent, spouse, child, guardian, next of kin, domestic partner
9 under ch. 770, or in the absence of any of the foregoing, a friend, or a person charged
10 by law with the responsibility for burial. If 2 or more such persons assume custody
11 of the body, the consent of one of them shall be deemed sufficient.

12 **SECTION 118.** 182.004 (6) of the statutes is amended to read:

13 182.004 (6) Stock may be issued and leases made to ~~husband and wife~~ spouses,
14 and to the survivor of them, in which event title shall descend the same as in like
15 conveyances of real property subject to ch. 766. Otherwise, title to the stock and lease
16 shall descend to the persons to whom a homestead of the stockholder would descend
17 except as provided in ch. 766. The interest of a tenant in the lease and stock shall
18 be exempt from execution to the same extent as a homestead in real estate.

19 **SECTION 119.** 250.04 (3) (a) of the statutes is amended to read:

20 250.04 (3) (a) The department shall establish and maintain surveillance
21 activities sufficient to detect any occurrence of acute, communicable, or chronic
22 diseases and threat of occupational or environmental hazards, injuries, or changes
23 in the health of ~~mothers~~ parents and children.

24 **SECTION 120.** 301.12 (2) of the statutes is amended to read: